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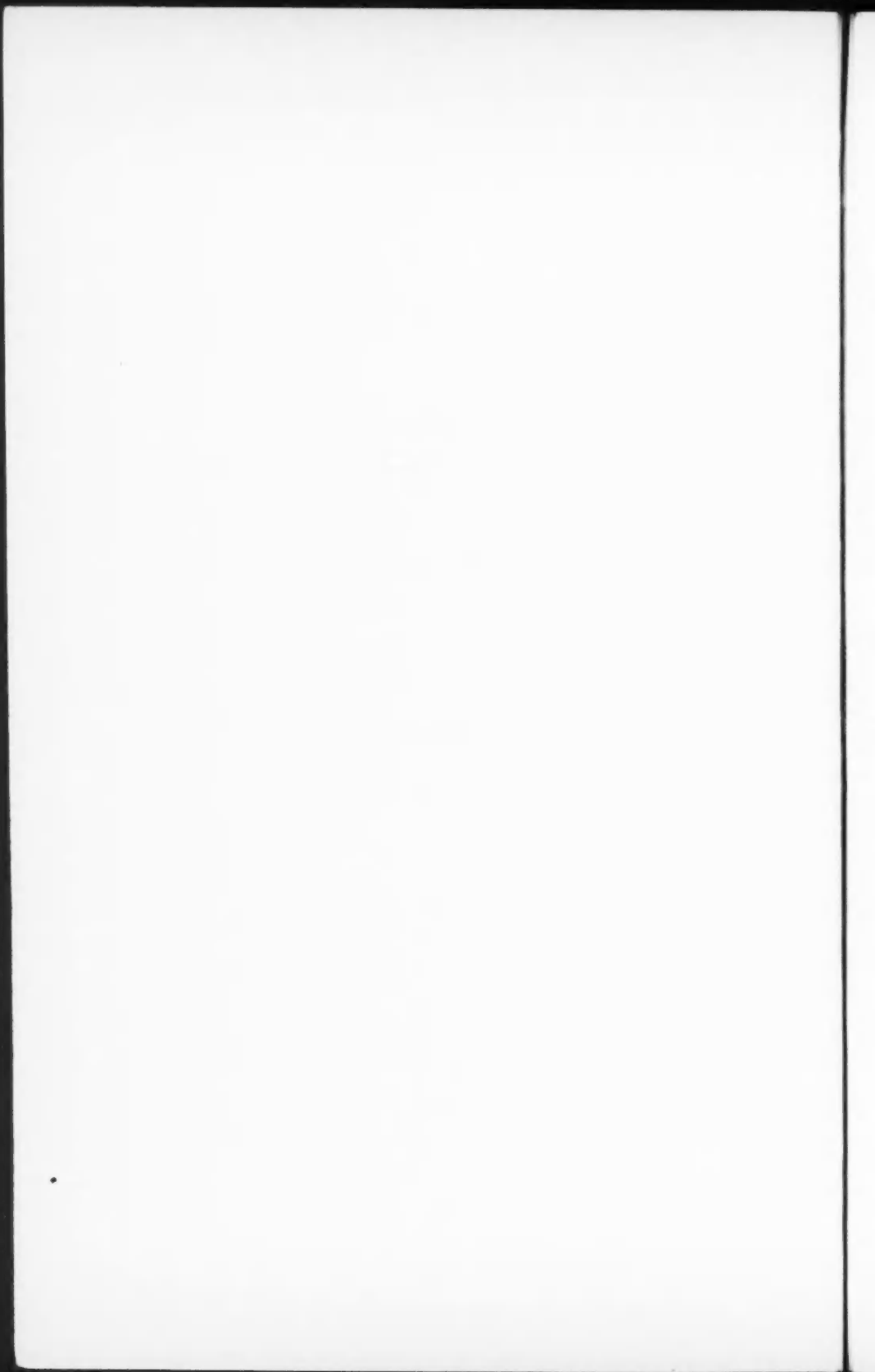


TABLE OF CONTENTS

No. 1. MARCH, 1933

Vol 14

ARTICLES

The Historian and Society

By C. A. BEARD AND GEORGE M. WRONG - - - 1

The Genesis of Provincial Rights

By NORMAN McL. ROGERS - - - 9

Canada's Title to the Arctic Islands

By V. KENNETH JOHNSTON - - - 24

NOTES AND DOCUMENTS

Lord Northington and the Laws of Canada

By R. A. HUMPHREYS AND S. MORLEY SCOTT - - 42

REVIEWS OF BOOKS - - - 62

NOTES AND COMMENTS - - - 83

RECENT PUBLICATIONS RELATING TO CANADA - - - 88

No. 2. JUNE, 1933

ARTICLES

False Political Phrases

By the late JOHN S. EWART - - - 123

The Views and Influence of John S. Ewart

By J. W. DAFOE - - - 136

Confederation in Prince Edward Island

By D. C. HARVEY - - - 143

The Garrison of Fort Wellington: A Military Dispute During the Fenian Troubles

By C. P. STACEY - - - 161

NOTES AND DOCUMENTS

English Interest in the Fur-Trade of Hudson Bay before 1670

By DOROTHY E. LONG - - - 177

A Document Concerning the Union of the Hudson's Bay Company and the North West Company

Edited by G. DE T. GLAZEBROOK - - - 183

REVIEW ARTICLE

Recent German Books Relating to Canada with Some Remarks on Early Publications

By LOUIS HAMILTON - - - 189

REVIEWS OF BOOKS - - - 199

CORRESPONDENCE - - - 220

NOTES AND COMMENTS - - - 221

LIST OF RECENT PUBLICATIONS - - - 225

No. 3. SEPTEMBER, 1933

ARTICLES

The Political Ideas of John A. Macdonald

By T. W. L. MACDERMOT - - - - - 247

Canada and the Peace Settlement of 1782-3

By SAMUEL FLAGG BEMIS - - - - - 265

NOTES AND DOCUMENTS

The British Government and the Proposal of Federation in 1858

Edited by REGINALD G. TROTTER - - - - - 285

From Detroit to Montreal in 1810

Edited by M. M. QUAIFFE - - - - - 293

Graduate Theses in Canadian History and Economics - - 296

REVIEW ARTICLE

Annual Survey of the Literature of Constitutional and Administrative Law

By W. P. M. KENNEDY - - - - - 305

REVIEWS OF BOOKS - - - - - 318

NOTES AND COMMENTS - - - - - 343

LIST OF RECENT PUBLICATIONS - - - - - 352

No. 4. DECEMBER, 1933

ARTICLES

Co-operation in the Natural and Human Sciences

By ROBERT C. WALLACE - - - - - 371

The Partition of Nova Scotia, 1784

By MARION GILROY - - - - - 375

The Principle of Free Grants in the Land Act of 1841

By HUGH MACKENZIE MORRISON - - - - - 392

NOTES AND DOCUMENTS

A Note on Ross Cox

By W. S. WALLACE - - - - - 408

A Rare Traveller's Account

By STEPHEN LEACOCK - - - - - 409

REVIEW ARTICLE

Historical Literature on Canada's Participation in the Great War

By W. B. KERR - - - - - 412

REVIEWS OF BOOKS - - - - - 437

NOTES AND COMMENTS - - - - - 454

RECENT PUBLICATIONS RELATING TO CANADA - - - - - 458

INDEX TO VOLUME XIV - - - - - 477

The Canadian Historical Review

VOL. XIV

TORONTO, MARCH, 1933

No. 1

THE HISTORIAN AND SOCIETY¹

HISTORY, like science and literature, belongs to the republic of letters which knows no political boundaries, tariffs, and embargoes. Historians, to be sure, have their locus in space and time but history as thought transcends these particular considerations. The earth of circumstance clings to the garments of the best writers and thinkers in this field, but the vows of the craft and the unity of all things command them to rise above the temporary and relative.

Indeed it may be said that herein lies a paradox: it is by becoming unmoral that history serves the highest morality. The contention may be illustrated by reference to the course of historical thought in the United States. As long as American historians regarded the war between the states, or the social war, as a conflict between right and wrong, night and day, the powers of good and the powers of evil, neither understanding nor reconciliation was possible. It was by putting aside the moral function of meting out damnation that they entered into the kingdom of comprehension. It was when they sought to assume the position of the physicist or chemist and to see the reality of the struggle as it was that they escaped from the gall of bitterness and bondage of iniquity. By observing the tension as an antagonism of interest and cultures, they gained in understanding and brought healing to the nation.

This indifference to local righteousness may, of course, land the historian in jail upon occasion, especially if not used with discretion. There are, as Henry Adams once remarked, four powerful organs in the modern world for suppressing unwelcome opinions and theories: the state, the church, property, and labour. While

¹The two short papers here printed were read at the forty-seventh annual meeting of the American Historical Association and associated societies which was held in Toronto on December 27-29, 1932. That by Professor Beard, who is president of the American Historical Association for 1933, was delivered as part of an address at the dinner given to the visiting societies by the University of Toronto. Professor Wrong's paper was read at one of the regular sessions under the title "The historian's duty to society".

the church claimed to guard the truths of geology, biology, physics, and astronomy, many bitter conflicts arose with men of science and some of the latter suffered in spirit and estate as a result of their temerity. The plight of the historian, however, is far more difficult, because he, by refusing to accept face values as final, is likely to collide with powerful political and economic institutions, as well as with the organizations which claim to possess the seals of religion. For the serious in mind, tragedy and tears lurk here; for the light-hearted, irony and cynicism.

From this dilemma there is only one avenue of escape, that is through the narrow way of specialism. The historian may refuse to think. He may become a chronicler; that is, a discreet chronicler. He may choose as his life work the fluctuations in the price of cotton in Alabama between 1850 and 1860. He may get out a new edition of the sayings of Marcus Aurelius. He may annotate Gildas. He may resolve to know more about the manor of Weissnichtwo than any other person on God's footstool. He may particularize on the geographical errors of Froude. In short, he may do many useful things under the head of history.

But when the historian widens the area of his operations in time and space, when he comes to deal with things that are not unequivocal, when he has to use thought, he finds himself in the very middle of universals. If he asks why he puts some items in his chronicle and leaves others out, why cotton fluctuated in price in Alabama, whether Marcus Aurelius spake truly, how Gildas acquired his ideas, what relation the manor of Weissnichtwo in 1215 had to previous and succeeding conditions and to surrounding circumstances, or why anyone should bother about the geographical errors of Froude, then the historian's troubles begin. He then finds himself perplexed by the issues of thought which beset St. Augustine, Bossuet, Gibbon, Hegel, Marx, and Spengler. He confronts the task of making some kind of pattern out of isolated particularities, and the longer and harder he thinks the deeper and wider becomes his pattern. And the more certain he is to alarm or amuse his colleagues and contemporaries.

Yet the path of trouble will be taken, by some historians at least. At all events the human spirit will tear at the vast complexity called history as actuality, seeking to wrest from it some light on the meaning, destiny, and choices of mankind. If those who know more will not attempt it, those who know less will attack the problem. If Lord Acton will not write a *Weltgeschichte*, Mr. H. G. Wells will do it, with amazing repercussions. As said in

another connection, we cannot do with or without world history, or at least the history of western civilization.

Whether we take the price of commodities, the arts, the religious faiths we profess, inventions, the ideas we employ in thinking, the characters used in writing our histories, or the tongue we speak, we are led beyond the boundaries of nations, economic systems, and political jurisdictions. This mandate is inescapable. The greater the tension of thought and the wider the knowledge of fact, the harder we struggle to grasp the unity of all things; the higher our architecture of conception, the more relative and transitory seem the provincialisms that engage the passions of mankind. Thus we are brought to the abyss of totality which Croce has sought to cover with the frail net of history as philosophy.

The tragedy of the conflict is as old as western civilization. It is the antithesis between subjective idealism and objective reality—a division of things that never perplexed the greatest thinkers of the Orient. Whatever may be the subjective ideal we accept, it is certain to be lacerated on the cruel world of deed and fact. Yet we cannot accept the cruel world of deed and fact as corresponding to any ideal satisfactory to the spirit. And all efforts at reconciliation lead us into scepticism and distress, scarcely less acute than the scepticism and distress of impassive neutrality. By no possible legerdemain of thought can we resolve world history into a pleasing melodrama of innocence, villain, hero, and happy ending.

Immediately, practical persons, bent on deciding whether tariffs should go up or down or whether branch factories are to be tolerated or taxed, will say: "All this is irrelevant moonshine without utility for business in hand." To this the historian may make many answers. He may reply in this vein: "Will you practical persons kindly define utility, make a list of all things that do not serve utility, and tell us what kind of civilizations and world relations we should have with intangibles, imponderables, and immeasurables ruled out?" That is a pertinent question and answers from practical persons would be interesting, perhaps diverting. Again the historian may, in response to the challenge, declare that practical persons also seem to display facilities for getting mankind into distresses—facilities no less efficient than those of theoretical persons. Finally, a more modest answer may be made: "Since we have so many provincial judges with a practical turn of mind prepared to mete out praise and damnation, perhaps there is room in the world for a few persons desirous of comprehending without praising or damning."

In the long sweep of time, who shall judge the judges? Paradoxically enough, beyond world history itself there is no higher earthly tribunal and it is that very world history which gives historians all their aches and pains.

C. A. BEARD

THE historian is both the guardian and the interpreter of the past. He is a treasure-house of human experience. He both collects its records and tells us what they mean. While other animals have memory, man alone builds up a formal story of his life in the past and is governed by its traditions. This gift of memory involves a duty. The historian has no right to falsify or distort the record. He is the guardian of the truth. The society in which he lives is the child of history and has the right to know the truth about its parent. We may be sure that to falsify the past will give a shaky foundation to the convictions and methods of the present. Nature is rigorously truthful and preserves an exact relation between cause and effect. As long ago as a century and a half before Christ Polybius said: "It is not events that are interesting but their causes." If the cause is misstated in regard to human society the result will always be tainted by a lie. There are a good many lies to be swept away in regard, for instance, to the American and the French Revolutions and not least, perhaps, in regard to the Great War.

This city owes its origin largely to Loyalist migration from the United States during and after the American Revolution. While the mother country herself has wellnigh forgotten that destructive blow, we find after a century and a half that the animosities of the revolution are still alive in North America. Its passions still shape the thought of a vast number of the people of the United States even in judging the present-day policy of Great Britain. In Canada, too, the United States is still often judged by resentments inherited from exiled Loyalists, driven from comfort and security to the hard life of the pioneer in the primeval forest.

The historian may well be amused at the paradoxes of the American Revolution. A great republic, deeply rooted in the political and literary traditions of England, found its chief support and inspiration in her neighbour France, an age-long enemy. On the other hand, Canada is to-day staunchly British in spirit, largely because in 1775 it was French and did not share the resentments that inflamed Boston and New York. History tends to be

partial to the victor; George III, who stood for the unbroken unity of the British Empire, but failed, is a mistaken bigot, while Abraham Lincoln who also fought for the unity of his country, but succeeded, is the greatest of national heroes. We need not dispute the correctness of the verdict in each case, but there is a paradox.

John Quincy Adams said in 1819 that Europe must be familiarized with the idea that the United States and North America are identical. Time has not confirmed the assertion; the peoples of Canada and the United States are in some ways unlike and each country is continental in area. I sometimes wonder what this northern continent might be to-day if the contrasts between them did not exist and there had been no American Revolution. Since a British North America would not have drawn millions from rival nations in Europe, as did the young republic, this continent would be less populous. New York and Chicago would not be so big. When I try to imagine them as cities of a republic but continuing under British traditions, I wonder whether they would be happier or the reverse? In any case it has some value that the two types now live happily side by side and that each has something to learn from the other.

The historian's duty to society is not easily discharged, for many questions to which we should like to know the answer are really insoluble. What is the historian to say of the origin of race and also, perhaps, of its significance? What is the influence of climate on a nation's history? How comes about what we call the *Zeitgeist*, the spirit of an age? We may only guess; these forces are vital in society, and yet there is nothing about them in the state and the private papers on which the narratives of history are based. I am sometimes amused at being told that "history teaches" this or that. Who knows what it teaches? I hear it said that such and such an outcome in history was "inevitable". Who knows the forces that give it this character? I am told that it is not the duty of the historian to indulge in moral judgments; he is only to tell us what was done. If Napoleon murdered the Bourbon Duc d'Enghien, the only duty of the historian is to tell the story. On the same basis we have no right to condemn British rule in Ireland in the eighteenth century; we may only describe it. We may pass no moral judgment on the treason of Benedict Arnold. On the other hand, Lord Acton said that "the great achievement of history is to develop and perfect and arm conscience" and, if so, conscience must pass moral judgments. The historian is the guardian of truth, truth not merely as to specific

fact, but truth as expressing constructive standards of conduct. The dead bodies of those whom Napoleon massacred at Jaffa are not more historical realities than are the motives moral or otherwise that inspired the deed.

We are confronted by a multitude of shallow beliefs. Our world, as Pascal said of that of his time, pays itself with words—*"se paye des paroles"*. There is talk of progress without any definition of what it involves. Can the historian find out something about it from the past? The British Empire has been haunted by the theory that a nation can plant colonies over seas that will preserve the characteristics of the mother-country. Can the historian help us to understand why this has not proved true? Is the cause in geography which the historian often neglects? Is it an ultimate truth that a parent society itself matures in conditions that can have no parallel and no copy elsewhere? In connection with this is the assumption that, because the French have not built up great colonies of their own race, they lack a genius for colonization. The French, however, given a chance, are good colonizers as is abundantly evident in Canada to-day. Their historic failure is probably due not to a natural incapacity but to social conditions in France, where the ruler was a despot, where the remoteness of the capital from the sea crippled maritime interest, where Austria was a dangerous enemy on land, and where the powerful feudal lord so held down a depressed middle class as to crush wider enterprise. There is a loose belief in bigness; the bigger the city the more the gloating over its size; the greater and more powerful the nation the happier its people. Does history confirm this tendency? Does Europe confirm it at the present time? Is Denmark or Switzerland less happy than Germany or Italy? There is also a loose belief in the superior quality and insight of the white races and so we have been trying to bring Africa and Asia under the spell of a white Europe and a white North America. What the West has evolved in methods of government is applied in the East where religion, tradition, and habit are different. The historian may be asked to explain the strife in India, the chaos in China, and the military aggression of Japan as the outcome of a possibly mistaken idea.

He has a duty in regard to the current belief of the masses in the beneficence of democracy. Do they know what they mean by democracy? What is its record in history? Does experience show that it has so worked as to deserve our confidence? Is it suited to a society that has not the education and training to judge of great

issues? It needs capable and high-minded leaders who command confidence and educate their followers, and it needs an electorate with insight enough to judge the quality of the leaders and to get rid of the inadequate. Democracy has many fields, political, economic, social. We may have any one or more. Can the historian tell us whether any type has worked? Democracy has made half truths and even lies its coins in controversy. It has given the demagogue a field for his own profit and we may wonder if it has a balance of truth in its favour. No doubt it has chastened monarchy and tended to make it constitutional even when it has not abolished it; but, waving aside loose enthusiasms, the historian might tell us whether it has ever proved a workable form of government. Mankind has been experimenting in government for a good many centuries and its experience might aid our society.

I am not speaking of the methods of inquiry of the historian but of his duty to society. Society is a half-blind mass, living on its traditions, not knowing whither it is going, requiring leadership that will tell it the truth. Only the historian can find whether the experiment it pursues has been tried in the past and found good or ill. Yet I am quite sure that, during the past half century, the influence of the historian on society has declined. There is a double cause. The many have other reading than that of serious books. They have copious newspapers in which, with a certain envious longing, the women of the classes less favoured in fortune read of the doings of the more opulent society. They may, too, watch the advertisements for bargains. The men may spend most of the evening's leisure reading about sport in the newspaper; or listening to jazz and vulgar humour on the radio, which has much in its favour but also much to dismay serious minds. Our very variety of interests creates such desultory habits of thought that writers of the type of Macaulay and Lecky and Prescott and Motley, requiring continued attention, are not devoured by this generation as they were in their own. In truth we have now no Macaulays nor Motleys. Speaking broadly the historians tend to write with their fellow historians, rather than the public, in view. They watch each other for mistakes or omissions. Woe to them if they miss reference to a learned book or article that bears on their subject. In vindication they pour out on their pages the contents of notebooks. I have seen a work in which on a single page there were fifteen notes relating to the same volume. It is all very thorough and sound but where does the public come in? They want the truth told so that it will hold their interest. Since

the art of arts is to conceal art, they want a finished product, not an exposition of the methods of the workshop. The cook, as M. Jusserand says wittily, peels the potatoes but he does not do it on the dining room table. The historian has the duty to cultivate an attractive style. It is of little use to tell the truth about the past to the east wind. Society asks to know of a past that has complex phases of life like those of the present. It is, perhaps, less interested in politics and war which, after all, have touched directly only limited classes, than in the mode of life, the ambitions and rivalries, the loves and hates, the dress, the speech, the wit and humour of the men of the past. These interests will reveal their views of life and duty and furnish a vital tie with the present.

The historian has two chief dangers; one is the lure of the notebook, the other is the fascination of the picturesque. The society of to-day, repelled by the heaviness of the one, is turning to the other with a demand for details not found, perhaps, in the existing authorities. Its wish is met by history in the form of fiction claiming an historical basis or in that of biography which has the daring to put into the mouths of men dead long ago words and opinions that they may never have held. I will confess my own preference for history as history and for biography chastened by an exact use of authorities. The historian has no right to go beyond the rigorous implications of his authorities. While he needs imagination to see their significance he is tied to them; he must have evidence for all that he tells us. Is his task difficult? Yes, and in this is its fascination. He needs insight to discern the truth, courage to tell it and defy sentiment. Fear is a permanent curse in a democratic world. The politician fears the whole truth lest it should hurt his party. He fears to defy a current phase of public opinion though he knows it is wrong. The churchman fears the charge that he is drifting from the old accepted beliefs. The patriot is for his country right or wrong. The historian for his part must banish fear. He may have to assault the reputation of popular heroes, to offend their admirers, to denounce the methods that have led to national victory, to wound national pride, to shock religious sentiment, to shatter belief in accepted economic policies and sumptuary laws. All this is a part of his day's work. His reward? To have told the truth and so to lead society to an understanding of its own foundations and of its enduring interests.

GEORGE M. WRONG

THE GENESIS OF PROVINCIAL RIGHTS

*"The history of every community and every constitution may be regarded as a struggle between the action of these two forces, that which draws together and that which pushes apart, that which unites and that which dissevers."*¹

IN the study of federal government the constitutional lawyer and the political theorist must sit often at the feet of the historian. Especially is this true of that central problem of federalism which is suggested by the phrase "provincial rights". A federal constitution, as Dicey observed, owes its existence to a peculiar state of feeling among the inhabitants of the several communities which have been brought together under its authority. They desire union, but do not desire unity.² Thus from the moment of its birth a federal state is put in a posture of competition with the states or provinces of which it is composed. If the provinces are secure in the attachment of their citizens and jealous of the letter of their rights, the federal agencies of government may be compelled to withdraw their services to the minimum permitted by a strict interpretation of the constitution. If, on the other hand, the provincial governments are lacking in the support of local sentiment, and are willing to regard themselves as subordinate partners in the business of government, the federal institutions tend to grow in influence and power with the growth of national sentiment and the diminishing importance of the provinces. The tide of the struggle may shift now this way and now that. Sometimes the federal state is in the ascendancy. At other times the provinces may win back what they have lost and even penetrate the defences of the federal power. Always, beneath the noise and clamour of particular controversies, there are changes in political consciousness and sentiment which decide the trend of the conflict. Statesmen, as they come and go, may have their influence on events. But the area within which their influence is effective is predetermined by social forces over which their power is transient and partial. The facts which alone can

¹James Bryce, *Studies in history and jurisprudence* (London, 1901), I, 218.

²A. V. Dicey, *Introduction to the study of the law of the constitution* (London, 8th ed., 1914), 137.

illumine and explain constitutional tendencies over long periods of time must be sought in the material of history.

Although the controversy over provincial rights is inherent in every federal constitution, it was the proud boast of Sir John Macdonald that, by the wise provisions of the Quebec Conference, Canada had received a permanent immunity from this common affliction of federations. In the course of his speech on the Quebec Resolutions in the Canadian parliament, he made particular reference to the conflict over "states rights" in the United States and to the unhappy culmination of that struggle in the Civil War:

We have thus avoided that great source of weakness which has been the cause of the disruption of the United States. We have avoided all conflict of jurisdiction and authority, and if this Constitution is carried out, as it will be in full detail in the Imperial Act to be passed if the colonies adopt the scheme, we will have in fact, all the advantages of a legislative union under one administration, with, at the same time, the guarantees for local institutions and for local laws which are insisted upon by so many in the provinces now, I hope, to be united.¹

Macdonald's optimism on this point was shared by not a few of his colleagues at the Quebec Conference. The feeling seemed to be that the origin of "states rights" in the United States lay in the wide residuary powers left to the individual states under the constitution, giving them in their own right some of the important attributes of sovereignty and thus encouraging the belief that they were the substance, and the president and Congress but the pale shadows, of sovereign authority in the nation. The expedient adopted by Canada to prevent a similar conflict between federal and provincial governments over their respective shares of jurisdiction was the simple operation of inverting the scheme of distribution of powers adopted by Canada's neighbour. As Macdonald put it in the speech just quoted (p. 35):

The United States began at the wrong end. They declared by their Constitution that each state was a sovereignty in itself, and that all the powers incident to sovereignty belonged to each state, except those powers which by the Constitution were conferred upon the General Government and Congress. Here we have adopted a different system. We have strengthened the General Government. We have given the General Legislature all the great subjects of legislation. We have conferred upon them not only specifically and in detail all the powers which are incident to sovereignty, but we have expressly declared that all subjects of general interest

¹*Debates in the parliament of Canada on the Confederation of British North America* (Quebec, 1865), 33.

not distinctly and exclusively conferred upon the local government and local legislatures, shall be conferred upon the General Government and Legislature.¹

Thus, as viewed by Macdonald and his associates, the bulwark against "provincial rights" in Canada was made up of those provisions in the proposed constitution which strengthened the federal government and parliament at the expense of the provincial establishments.

While Macdonald may have had some grounds for his simple faith in constitutional formulae as a safeguard against a movement for provincial rights in Canada at the close of the Quebec Conference, the events of the next two years gave little support to his evident belief that the provinces would accept voluntarily and cheerfully the subordinate position they had been destined to occupy under the proposed federal constitution. Even as the debate on the Quebec Resolutions proceeded in the Canadian parliament, there were ominous rumblings of dissent in Lower Canada, while among the English-speaking representatives such shrewd observers as Dunkin, Holton, and Huntington expressed ironical doubts regarding the supposed spirit of harmony which would prevail over the relations between the federal and provincial governments. It is significant that the resolutions which were seized upon as the chief targets for opposition were precisely those which were eulogized by Macdonald and other Canadian delegates at the Quebec Conference as safeguards against the undue assertion of provincial rights. Dorion, the leader of the opposing forces in Lower Canada, did not mince words in protesting against the wide powers granted to the dominion authorities under the Quebec scheme:

Sir, if a legislative union of the British American Provinces is attempted, there will be such an agitation in this portion of the province as was never witnessed before—you will see the whole people of Lower Canada clinging together to resist by all legal and constitutional means, such an attempt at wresting from them those institutions that they now enjoy.²

The point of this reference is not, of course, that legislative union was contemplated by the Quebec Resolutions, but that some of the leaders of the delegation from Upper Canada were avowedly in favour of this form of union, and having failed to secure it were assumed to have sought its partial realization through those resolutions of the Conference which favoured the central authority

¹*Ibid.*, 35.

²*Ibid.*, 264.

at the expense of the provinces. The power given to the dominion government to disallow provincial legislation was especially obnoxious to the opponents of the Quebec scheme. Both Dunkin and Dorion condemned it in outspoken terms, the former stating that it meant the disallowance of all autonomy to the provinces, and the latter complaining that it placed the provincial legislatures wholly at the mercy of the federal government.¹ The Confederation debates abound with similar protests on behalf of provincial autonomy and the rights of racial and religious minorities. It was evident that even in the united provinces, where the federal scheme commanded the most general support, there was no lack of potential opposition to the centralizing features of the federal constitution proposed by the Quebec Conference.

In the Maritime Provinces the political situation was even less favourable to Macdonald's sanguine expectations. There the original opposition to the Quebec scheme came not from a minority but from the great majority of the inhabitants. The agitation, moreover, was not centred merely upon particular features of the proposals but extended also, especially in Nova Scotia, to the bare project of uniting the several provinces of British North America into one federal state. The Quebec Resolutions were never submitted to the legislature of this province for approval. In New Brunswick the government supporting them was defeated in a general election. In Prince Edward Island they were rejected as an unsuitable basis for union. It is doubtful if the events of the ensuing two years indicated any widespread change in the attitude of the people of these provinces towards the proposals for union. It is true that the verdict of the New Brunswick electorate was reversed at a subsequent election. It is also true that the legislatures of New Brunswick and Nova Scotia passed resolutions authorizing delegates to formulate a plan of union in co-operation with the imperial government and delegates from Upper and Lower Canada. Behind these apparent changes in opinion, however, there is the shadow of imperial influence amounting almost to coercion. The British government had committed itself definitely to a federal union of the British North American colonies and spared no effort of diplomacy and indirect pressure to overcome the

¹"We shall be—I speak as a Lower Canadian—we shall be at its mercy, because it may exercise its right of veto on all the legislation of the local parliaments, and there again we shall have no remedy" (Dorion in *ibid.*, 690). "It further allows of no real autonomy; in fact, the only trace of uniformity it can be said to have about it consists in its disallowance of all autonomy to the provinces" (Dunkin in *ibid.*, 502).

opposition which had developed in the Maritime Provinces. The official correspondence of the period, especially the communications which passed between Lord Monck, the Colonial Office, and the governors of New Brunswick, Nova Scotia, and Prince Edward Island, makes it abundantly clear that the recalcitrant provinces were induced to enter the union in deference to considerations of imperial policy.¹ In Nova Scotia, at least, this influence was not without its effect upon members of the legislature. But as events soon proved, the people of that province had not altered their attitude towards the proposals for federation. The Maritime Provinces, indeed, entered the union with halting and reluctant steps. In such a situation there was every prospect of a jealous assertion of provincial autonomy as against the wide powers entrusted to the new dominion under the terms of the federal constitution.

The final stages of the negotiations for union did little to allay the fears or compose the irritation of the opponents of federation in the various provinces. George Brown, the Liberal leader in the coalition which had brought about the Quebec Conference, was absent from the London Conference which formulated the definitive proposals which served as a basis for the British North America Act.² The Nova Scotia delegation did not represent the opinion of the majority of the inhabitants of that province. The New Brunswick delegates were pledged to insist on the Intercolonial Railway and hoped to obtain a revision of the financial terms of the Quebec scheme.³ Cartier, it may be assumed, was fully aware that he must take account of the misgivings of many of his compatriots regarding the potential dangers which were latent in the powers assigned to the federal authority under the terms of the original Quebec Resolutions.⁴

¹On this subject see the very illuminating study by Chester Martin, "British policy in Canadian Confederation" (CANADIAN HISTORICAL REVIEW, March, 1932, 3-19). The negotiations of the period for reciprocity were also utilized by the Colonial Office as a means of inducing the dissentient provinces to accept the proposals for federation (*Journals of the Legislative Council, Prince Edward Island*, 1866, appendix no. 7, 180).

²George Brown had resigned from the coalition government in December, 1865, the cause of his resignation being a sharp difference of opinion regarding the negotiations for reciprocity with the United States. He was not, therefore, a member of the Canadian delegation which proceeded to London in 1866 to conclude the negotiations for union (A. Mackenzie, *The life and speeches of the Hon. George Brown*, Toronto, 1882, 105).

³*Journals of the Legislative Assembly of New Brunswick*, 1866, 153.

⁴It is generally believed that the most serious estrangement between [Sir John Macdonald and Sir George Cartier] occurred in London while the British North America Act was before Parliament. John A. Macdonald desired, it is said, to have it so modified that a legislative union should be substituted for the proposed federation. To this Cartier objected strongly, and made no mystery of his intention to return to Canada

In due course the differences which divided the several provincial delegations were reconciled, but only through the revision of the Quebec scheme in several of its important features. These changes were not authorized by the legislature of the united provinces, and Macdonald took special precautions to have the British North America bill hurried through the British parliament before the details could become the subject of controversy at home.¹ Such a manoeuvre, however it may have been recommended by considerations of immediate expediency, was little calculated to commend itself to the opponents of the federal proposals in Canada. It also aroused the wrath of George Brown and weakened his advocacy of the new constitution in the years when the federal machinery was receiving the first test of practice.² From beginning to end the negotiations for union reflected the lack of any strong and sustained support of sentiment and opinion. Federation was essentially the work of a few master-builders. Opposition to the proposals was organized and vocal in all the provinces. The mass of the population was probably indifferent to the outcome. Certain sections of it were hostile from the outset, and their hostility was not likely to cease when the new dominion came into being.

With a background in which the high hopes of its founders were mingled with the disappointment and misgivings of its opponents, the Canadian federation entered upon its career under the direction of the statesmen who had taken a foremost part in its creation. If Sir John Macdonald had any prevision of the path which lay before him, he kept his thoughts discreetly to himself. Doubtless he had few illusions regarding the difficulties that would confront the first dominion government in establishing and maintaining harmonious relations with the provinces. But difficulties had never daunted his spirit, and it would have been strange indeed if he had been unwilling to lend himself to an enterprise in which he had invested so much of his mind and strength during the preceding years. He had taken a major part in fashioning the instrument of federal government. Now he was given the opportunity to test its utility by

if his colleague persisted in his determination to alter the Constitution as it had been adopted in Quebec" (A. D. DeCelles, *Papineau Cartier*, Makers of Canada, Toronto, 1910, 102 of section on Cartier).

¹Sir J. Pope, *Memoirs of Sir John A. Macdonald* (Ottawa, 1895), I, 307-8.

²The *Globe*, June 9, 1869. In a leading editorial in this issue, it is stated that the changes in the financial clauses made by the London Conference were manifestly unfair to Ontario and Quebec.

experience. Writing to the Honourable Ambrose Shea, one of Newfoundland's delegates at the Quebec Conference, a month before the formation of the first dominion administration, he expressed a modest faith in the outcome of the experiment:

In thirty days, for weal or woe, the Confederate Government will be inaugurated. By the exercise of common sense and a limited amount of that patriotism which goes by the name of self-interest, I have no doubt that the Union will be for the common weal.¹

Both common sense and patriotism were required in large measure if the new dominion at the commencement of its voyage was to chart a course which would enable it to avoid the hidden reefs of racial antagonism and provincial rights.

When the first dominion government entered upon its responsibilities the plan of Macdonald and others of his associates who had favoured legislative union seemed simple in execution and by no means impossible of achievement. They believed that the success of federalism in Canada required the subordination of the provinces to the general authority of the dominion. This did not mean that the provinces were to be legislated out of existence. It simply meant that the wide constitutional powers apparently given to the dominion government and parliament under the British North America Act were to be utilized to the utmost to secure the recognition by the provinces themselves that their proper status was one of subordination, and that, in any conflict of jurisdiction with the dominion in matters which were not covered explicitly by constitutional enactment, they must give way gracefully to the supreme authority. This doctrine of a paramount authority residing in the dominion was not regarded as a forced interpretation of the constitution. It was possible to refer to certain clauses of the British North America Act as expressly supporting such a position, as, for example, the residuary legislative authority given to the dominion parliament, the unqualified power conferred upon the dominion government to disallow provincial legislation, and the authority to appoint and presumably to instruct the lieutenant-governors of the provinces.² Lord Monck, the first governor-general, was known to be a vigorous advocate of legislative union, and might be expected to lend his support to any policy within the letter of the constitution which would strengthen the central government.³

¹Public Archives of Canada, *Macdonald letter book*, X, 575.

²B.N.A. Act, sec. 58.

³As late as September 7, 1866, Monck proposed to Carnarvon that important changes should be made in any bill founded on the Quebec Resolutions which would

In the power of disallowance, Macdonald possessed the effective means whereby the provincial legislatures could be kept within the channels of jurisdiction which had been assigned to them by the British North America Act. The powers given to the lieutenant-governors of the provinces were so indefinite as to permit an interpretation of the status and functions of those officials which would accord with the policy of centralizing authority in the dominion.¹ These instruments and favouring conditions had for the most part a constitutional sanction behind them. It was only natural that Macdonald should take advantage of them to secure the realization of his purpose. The important object in the early years of the dominion was to habituate the provinces to a status of subordination. Once they had accepted the new régime by successive submissions to the federal authority, there was reason to believe that custom would supply the want of explicit constitutional provisions to this end.

To a statesman so thoroughly practised in the arts of political strategy as Sir John Macdonald, the best method of carrying forward a policy of centralization was to secure the election to both the dominion parliament and the provincial legislatures of men who had the cause of union at heart and would be prepared to work together in the service of a common cause. In the attainment of this object he was singularly favoured by fortune in every province except Nova Scotia. In that province the elections of 1867 returned a legislature which was overwhelmingly opposed to federation, and committed to make every effort to secure the repeal of the British North America Act in its application to Nova Scotia. In dealing with this difficult situation Macdonald was obliged to call upon all his resources of diplomacy and manipulation. Aided by the co-operation of the British government he succeeded at length in persuading the Nova Scotian government that it must make the most of hard necessity,

have greatly strengthened the central authority in its relation to the provinces. "I am persuaded both from the internal evidence afforded by the resolutions which they drew up—and from intimate personal knowledge of most of the able men who composed the Quebec Convention, that their intention was to form out of these Provinces a solid and lasting political consolidation with a supreme central authority managing all the general interests of the people of the Union, and which would attract to itself the—so to speak—national sentiment and aspirations of the entire population" (Public Archives of Canada, *Series G*, 180 B. G., 221 A, 1856-66, Secret and confidential despatches, 212-220).

¹Note Dufferin's opinion in 1873: "It seems to me that the true policy of the Dominion will be to subordinate the prestige and jurisdiction both of the local legislatures and their chief executive Officer, to the supreme authority of the Canadian Parliament and the Governor-General" (Public Archives of Canada, *Macdonald papers*, Governor-general's correspondence, Dufferin, V, 1872-73, 178).

providing that necessity could be rendered less harsh by a revision of the financial terms of union to the advantage of the provincial treasury. The procedure by which these "better terms" were granted to Nova Scotia was at least open to question, and aroused strong opposition in Ontario.¹ Macdonald, however, could still rely on the support of the imperial government, and was able to produce an opinion from the law officers of the crown approving of a variation of the financial conditions of union by an ordinary act of the dominion parliament.² With the admission of Joseph Howe to the dominion Cabinet, the opposition in Nova Scotia was reduced to modest proportions. Elsewhere the provincial administrations were in friendly hands. Sandfield Macdonald, as premier of Ontario, was willing to put his shoulder to the provincial wheel of the federal coach despite the verbal castigations he received occasionally from George Brown and the *Globe*.³ At Quebec, Chauveau was in command with a safe majority of confederate supporters behind him. In that province Sir George Cartier could also be relied upon to deal with any embarrassing situation that might arise. In New Brunswick a favourable revision of financial terms and the influence of Tilley were effective safeguards against friction. On the whole, as the first dominion administration entered upon its task, the external evidence afforded some confirmation of Macdonald's earlier hope that the evil spirit of "provincial rights" had been exorcised from the Canadian constitution by the wise provisions of its founders.

It is a commentary on the vanity of political calculations that before two years had elapsed Macdonald was compelled to acknowledge the failure of the precautions so carefully taken to avoid an issue on the question of provincial rights. In a letter written from Macdonald to Sir John Young shortly after his arrival in Canada as successor to Lord Monck, there is a significant reference to the antagonism towards the federal government which had become evident in some of the provinces:

It is difficult to make the local Legislatures understand that their powers are not so great as they were before the Union. In fact,

¹A resolution was passed by the Legislative Assembly of Ontario in the following terms: "That an humble Address be presented to Her Majesty praying that she may be graciously pleased to cause a measure to be submitted to the Imperial Parliament for the purpose of removing all colour for the assumption by the Parliament of Canada of the power to disturb the financial relations established by the B.N.A. Act (1867) as between Canada and the several Provinces" (*Journals of the Legislative Assembly of Ontario*, 1869, III, 33-36, 54-56).

²*Sessional papers, Canada*, 1870, III, no. 25.

³Pope, *Memoirs of Sir John A. Macdonald*, II, 20.

the question that convulsed the United States and ended in Civil War, commonly known as the "States Rights" question, has already made its appearance in Canada!¹

Although there is nothing in this letter to indicate precisely the causes of misunderstanding with the provinces, the official communications and newspapers of the period suggest that the chief source of friction was the use made by the dominion government of its power of disallowance. As provided by the British North America Act, the power of disallowance was subject to no reservations. The dominion government was given the authority to nullify provincial legislation within a period of one year after its enactment.² Designed to serve as an instrument by which the provincial legislatures were to be kept to their proper channels of jurisdiction, its employment in practice depended wholly on the policy of the dominion administration. This was its inherent weakness. The provinces would have submitted to judicial decisions affecting their jurisdiction without serious protest. Any misgivings they might have entertained on this score would have been lulled by the comfortable fiction that judges interpret but do not make the law. But the dominion authorities could not escape a full measure of responsibility for every exercise of the power of disallowance. No matter how justifiable their action might be from a strict legal standpoint, every threat to disallow a provincial statute conveyed the impression of a deliberate interference with provincial autonomy. Macdonald was not long in realizing that the usefulness of his instrument would be enhanced if he could reassure the provinces that it would not be employed arbitrarily as a means of curtailing their proper legislative jurisdiction. Accordingly, on June 8, 1868, in his capacity as minister of justice, he prepared a memorandum which was designed to regularize the procedure of disallowance, and to relieve the dominion government of some of its burden of responsibility in the exercise of its powers. The memorandum expressed the view that "it is of importance that the course of Local Legislation should be interfered with as little as possible, and the power of disallowance exercised with great caution, and only in cases where the law and the general interests of the Dominion imperatively demand it".³ The memorandum then went on to propose a definite procedure for the examination of provincial legislation by the minister of justice at Ottawa. Under this procedure it

¹Macdonald letter book, no. 12, 443-447.

²B.N.A. Act, sec. 90.

³Sessional papers, Canada, 1869, no. 18.

was recommended that objectionable acts of the provincial legislatures should be classified under four distinct heads: (1) as being altogether illegal or unconstitutional; (2) as illegal or unconstitutional in part; (3) in cases of concurrent jurisdiction, as clashing with the legislation of the general parliament; (4) as affecting the interests of the dominion generally. As a concession to provincial susceptibilities, it was proposed that

where a measure is considered only partially defective, or where objectionable, as being prejudicial to the general interests of the Dominion, or as clashing with its legislation, communication should be had with the Provincial Government with respect to such measures, and that in such cases, the Act should not be disallowed, if the general interests permit such a course, until the Local Government has an opportunity of considering and discussing the objection taken, and the Local Legislature has also an opportunity of remedying the defects found to exist.¹

This procedure, as adopted by the dominion government and announced to the provinces in a circular despatch, appeared to go a long way towards removing the dangers of friction. Nevertheless, it did not dispel suspicion and it failed to avoid resentment even in cases where the power of disallowance was invoked against provincial legislation which was evidently illegal or unconstitutional.

Ontario became the chief battleground in the contest over the power of disallowance. It so happened that its legislation fell under the special displeasure of the federal Department of Justice in the early years of federation. This may have been unavoidable, but the political consequences were unfortunate for the federalist party at Ottawa and ought to have been more clearly foreseen. In Ontario the opposition had a powerful newspaper organ in the *Globe* under the able editorship of George Brown. As the self-appointed guardian of provincial autonomy, it kept a vigilant watch over the provincial administration and seldom lost an opportunity to berate Sandfield Macdonald for his mistakes of judgment and his submissive attitude towards the federal authority. Its general attitude is well illustrated by the controversy over the pardoning power. In the Quebec Resolutions this power had been assigned to the lieutenant-governors of the provinces, but it was not so provided in the British North America Act.² When Ontario assumed the power of pardon

¹*Ibid.*

²Resolution 44 of the Quebec Conference was in the following terms: "The power of respiting, reprieving, and pardoning prisoners convicted of crimes, and of commuting and remitting sentences in whole or in part, which belongs of right to the Crown, shall

under Sandfield Macdonald, the dominion authorities referred the question to the imperial government and received an opinion from Lord Granville that the power lay solely with the governor-general as the deputy of the queen.¹ The *Globe* took strong exception to this opinion, arguing that if the imperial authorities had been asked to assign the pardoning power to the lieutenant-governors of the provinces as provided for in the Quebec Resolutions, they would not have hesitated to do so.² Thus the responsibility which Macdonald had hoped to thrust on the law officers of the crown in England was brought back and laid on the doorstep of the federal administration at Ottawa. Whenever a centralizing tendency was evident in the policies of the Ottawa government the *Globe* was prepared to enter the lists on behalf of the provinces. Its position is summed up concisely in a brief paragraph from one of its characteristic editorials of the period:

The danger most to be feared is that men who really don't believe in Confederation at all should so seek to extend and consolidate the Federal legislative and executive power that the Local Governments and Legislatures shall be in danger of becoming mere shadows and shams, and that the recoil from such a danger may lead to the opposite extreme of ignoring national unity, and in zeal for mere local interests and specialities, the breaking up of Confederation altogether.³

This was a shrewd if not wholly accurate statement of the case for the provinces. It acquitted the agitation for provincial rights of any subversive efforts against the union, and even claimed for it the superior virtue of seeking to save the union from the treachery of its apparent friends. The constant reiteration of such protests could not fail to have an influence on public opinion throughout the province. The weakness of the federalist programme lay in the fact that it presupposed a general sentiment in the country which would support the dominion government in a dispute with a province. This assumption was not correct. The manner in which federation had been accomplished, and the bitter opposition it aroused in certain sections of the dominion deprived the federal government of the support of any widespread feeling of patriotic attachment. The provinces were old and

be administered by the Lieutenant-Governor of each Province in Council, subject to any instructions he may from time to time receive from the General Government, and subject to any provisions that may be made in this behalf by the General Parliament."

¹*Sessional papers, Canada*, 1869, no. 16.

²The *Globe*, July 3, 1869.

³*Ibid.*, April 2, 1870.

familiar friends. The dominion was as yet a new and untried entity. That Macdonald himself soon came to realize this handicap of the federal authority is suggested by a passage in the letter to Sir John Young already referred to in another connection. Warning the governor-general that he might have some day a body of advisers composed of "states rights" men who would look more to sectional than to general interests, he went on to say:

The natural tendency of public men is in that direction. Each member of your Government holds his position from his supposed influence in his own province, and he will be disinclined to lessen that influence by acting for the Dominion against his province should these interests come in conflict. This is more especially the case now, when the General Government is new, and the Dominion has no associations, political or historical, connected with it. We are all yet mere provincial politicians—Bye and bye, it is hoped that some of us may rise to the level of National Statesmen.¹

At the close of Macdonald's first administration all that was needed to create an organized agitation for the assertion of provincial rights was the presence of a strong and aggressive premier in one of the provinces who would be willing to accept the leadership in a movement for the defence of provincial autonomy. Such a leader was found in the person of Oliver Mowat. A former cabinet minister of the united provinces, a member of the Canadian delegation at the Quebec Conference, a skilful lawyer with a mind well trained in constitutional precedents, he had occupied for some years following the federation of the provinces the high judicial post of vice-chancellor for Ontario.² The circumstances which induced him to accept the leadership of the Liberal party in Ontario are significant. The Sandfield Macdonald government, following the example of the first federal administration at Ottawa, was intended to be a non-party government composed of the friends of union. It included both Conservatives and Reformers in its ranks, but the preponderance lay with the Conservatives, and the tendency as time passed was to regard it as a Conservative administration.³ In the legislature the opposition was led by Edward Blake and Alexander Mackenzie, both of whom held seats also in the dominion parliament under the rule of dual representation which prevailed at the time. The Ontario elections of 1871 gave a hostile verdict against the Sandfield Macdonald

¹ Macdonald letter book, no. 12, 443-447.

² C. R. W. Biggar, *Sir Oliver Mowat* (Toronto, 1905), I, 134.

³ *Ibid.*, 148.

government, and when the legislature met in December of that year, Mr. Blake was called upon to form the first Liberal ministry of Ontario. When, however, the act abolishing dual representation was passed by the dominion parliament in the session of 1872, Blake and Alexander Mackenzie, the provincial treasurer, were obliged to choose between the dominion parliament and the provincial legislature. The situation in the dominion parliament following the general election of 1872 was such that the Liberal opposition had a reasonable hope of forming an administration at Ottawa within a short period.¹ If Mowat could be persuaded to accept the leadership of the Liberal party in Ontario, Blake and Mackenzie would be free to lead the forces of the party in the dominion parliament. This consideration undoubtedly had its weight in Mowat's decision, but the real reasons which impelled him to resign his judgeship for the precarious life of politics were the convictions which influenced his policy during the remainder of his public life. He was strongly of the opinion that provincial autonomy was threatened by the centralizing tendencies which he observed in the conduct of the federal administration. Holding this opinion, he was resolved to champion the cause of provincial rights as head of the government of the largest and most influential province of the dominion.²

The appearance of Oliver Mowat on the Canadian political scene at this juncture was the signal which opened the active conflict over provincial rights. It was an event of which Sir John Macdonald understood the full significance. In their exchange of letters after Mowat had tendered his resignation as vice-chancellor there is a note of challenge beneath the courteous phrases of congratulation and acknowledgment.

I hope [wrote Macdonald] that the relations between the Dominion Government and that of Ontario will be pleasant. There is no reason why they should not be so. Blake announced, on taking office, that he was going to pursue that course; but I fear that he allowed his double position under the dual system to affect his mind prejudicially. We all profess to have, and I have no doubt, sincerely, have the same object in view—the government of the country. We must therefore try to work the new machine, with the construction of which we have had so much to do, with as little friction as possible.³

To which Mowat replied:

¹At the general election of 1872, Sir John Macdonald's majority in the House of Commons was reduced from 68 to 6.

²Biggar, *Sir Oliver Mowat*, I, 152.

³*Macdonald papers*, Correspondence with Sir Oliver Mowat, 1852-1881, folio, 327.

I have ever felt greatly interested in the success of Confederation, and I agree with you that its success will be aided by proper relations being maintained between the Dominion and Local Governments as such, even when these are not in the hands of the same political party.¹

From this common devotion to the success of Confederation, one might conclude that the relations between the dominion and Ontario were assured of harmony in the years ahead. Exactly the reverse was true. The explanation lies in the fact that Macdonald and Mowat though equally pledged to the success of the new federation, had widely different views regarding the means and methods by which that object might be attained. Macdonald held with all sincerity that the provinces must be relegated to a position of subordination in the federal scheme. Mowat, with equal sincerity, believed that the autonomy of the provinces must be safeguarded against federal encroachment, and that this was the only basis upon which the union could endure. Around the theories and personalities of these two men the struggle over provincial rights was to continue for twenty years. The changing tide of the conflict determined in large measure the development of the Canadian constitution in its internal aspects during this period of Canadian history.

NORMAN McL. ROGERS

¹*Ibid.*, folio, 329.

CANADA'S TITLE TO THE ARCTIC ISLANDS

BY the rules of international law, sovereignty over territory may be acquired in a number of ways; in the case of unclaimed lands, it may be acquired by complying with the three-fold rule of discovery, occupation, and notification to other states of intention to absorb those lands in the national domain.¹ The Arctic archipelago lying north of North America was, until during the nineteenth century, practically unclaimed land, although explorers, chiefly British and of the United States, had, at various points and times, declared the islands subject to the jurisdiction of their respective governments.

In the case of the Arctic islands, discovery and notification were requirements for the acquisition of sovereignty with which it was relatively easy to comply; occupation in the usual sense of the term was, however, and still is, a much more difficult requirement, for the area consists of land, islands, open sea, and ice, and the climate is such as to prevent ordinary settlement. Occupation of the Arctic islands must, in fact, reduce itself to a question of the exercise of jurisdiction. If, therefore, British subjects discovered the islands north of Canada's Arctic coast, if the government of Canada exercises jurisdiction in and over them, and if that discovery and that exercise of jurisdiction have been publicly declared, it can safely be assumed that the islands are British territory and within the boundaries of Canada.

Discovery and occupation (in the modified sense) of the Arctic islands, were long drawn out processes, exploration of the area taking place during two centuries—during the seventeenth, as a consequence of the search for the North-west passage, and during the nineteenth, partly as a consequence of geographical curiosity and partly as a consequence of the desire to extend the national domain. It was in the nineteenth century that claims to sovereignty were laid by Great Britain, by the United States, by Denmark, and by Norway. During the eighteenth century little exploration was done amongst the Arctic islands but it was at this time that the Hudson's Bay Company securely established its

¹W. E. Hall, *A treatise on international law* (8th ed., Oxford, 1924), 127: "... when discovery, coupled with the public assertion of ownership, has been followed up from time to time by further exploration or by temporary lodgements in the country, the existence of a continued interest in it is evident, and the extinction of a proprietary claim may be prevented over a long space of time, unless more definite acts of appropriation by another state are effected without protest or opposition."

title to, and consequently the sovereignty of Great Britain over, Hudson Bay, Hudson Strait, and the surrounding territory—that is, to the northern part of the continent east of the then Russian America.

For convenience, the Arctic islands north of North America may be divided into five groups: I, those islands in Hudson Bay; II, those north of Hudson Bay to Lancaster Sound; III, those west of Boothia Peninsula and south of Barrow Strait; IV, those north of Lancaster Sound and south of Jones Sound; V, those north of Jones Sound to the North pole.

A careful examination of histories of exploring expeditions to and amongst these Arctic islands¹ will clearly show that all except Axel Heiberg Island and the Ringnes Islands, which are included in group V, were discovered and named by British explorers. Beginning in the sixteenth century with Frobisher, the roster of British explorers includes such names as Hudson, Button, Bylot, Baffin, Fox, Ross, Parry, Franklin, Rae, Penny, McClure, Kennedy, Belcher, McClintock.² It was only in the nineteenth century that explorers from the United States actively participated in the exploration of the Canadian Arctic islands, and only at the end of that century that a Norwegian explorer discovered the three Ringnes and Axel Heiberg. In 1577 Frobisher had taken possession for England of those parts of Baffin Island surrounding Frobisher Bay. From that date on through the sixteenth, seventeenth, and nineteenth centuries, British explorers took formal possession of practically the whole archipelago, missing only Axel Heiberg and the three Ringnes. In most instances, possession was taken for Great Britain by displaying the flag and depositing records in cairns.³ It was only in the second half of the

¹For example, Sir John Barrow, *A chronological history of voyages into the Arctic regions* (London, 1818) and *Voyages of discovery and research within the Arctic regions from the year 1818 to the present time* (New York, 1846); D. M. Smith, *Arctic expeditions from British and foreign shores from the earliest times to the expedition of 1875-76* (Edinburgh, 1877); J. E. Nourse, *Narrative of the second Arctic expedition made by Charles F. Hall* (Washington, 1879); W. H. Gilder, *Schwaika's search: Sledging in the Arctic in quest of the Franklin records* (London, n.d.); Young, *The two voyages of the Pandora*; E. K. Kane, *Arctic explorations in search of Sir John Franklin* (London, 1877); R. E. Peary, *Northward over the "Great Ice": A narrative of life and work along the shores and upon the interior ice-cap of northern Greenland in the years 1886 and 1891* (New York, 1898); A. W. Greely, *Three years of Arctic service: An account of the Lady Franklin expedition of 1881-84* (New York, 1894); Otto Sverdrup, *"New Land"* (London, 1904).

²For histories of these exploring expeditions see particularly Barrow's *Voyages* and Smith, *Arctic expeditions*.

³For list and description of these activities see excerpts from histories and narratives listed in W. R. King, *Report upon the title of Canada to the islands north of the mainland of Canada* (Ottawa, 1905).

nineteenth century that possession was taken of two places on behalf of the United States—in 1861 the territory at the head of Frobisher Bay and in 1879 the northern extremity of King William Land.¹ The histories clearly indicate that, on the bases of priority of discovery and of formal "taking-of-possession", the British claim to the islands in the first four groups is superior to that of the only other claimant, the United States.

Great Britain's claim, by discovery and exploration, to the islands in group V is, however, not so indisputable. The Norwegian, Sverdrup, in 1898 discovered and explored the west coast of Ellesmere Island and Axel Heiberg Island and took formal possession of those areas in the name of the Norwegian king.² Between 1853 and 1902, explorers from the United States discovered and explored the central parts of Ellesmere Island, naming the area Grinnell Land.³ The northern part of Ellesmere Island, named Grant Land, was, during the nineteenth century, explored, and formal possession was taken of the area in the name of the British crown.⁴

Discovery and exploration must be followed by notification and occupation if a good title is to be acquired. The occupation of the area in question began in 1668 when Gillam and Groseilliers founded Fort Charles on the Rupert River in the southern part of Hudson Bay.⁵ In 1670 the Hudson's Bay Company received its charter, by which the British crown granted the company all the territories within Hudson Strait not belonging to any other Christian state.⁶ In 1713, France, the only other state claiming this region, surrendered its rights to Great Britain,⁷ and thereafter, the Hudson's Bay Company progressively occupied, by means of trading posts, not only the mainland surrounding Hudson Bay but also the large islands lying immediately north of its mouth.

No attempts were made to occupy any parts of the second group of islands between Hudson Strait and Lancaster Sound from the unsuccessful attempt of Frobisher⁸ in 1578 to establish a

¹Smith, *Arctic expeditions*; Gilder, *Schwatka's search*.

²King, *Report upon the title of Canada to the islands north of the mainland*, 32, 54.

³*Ibid.*, 32.

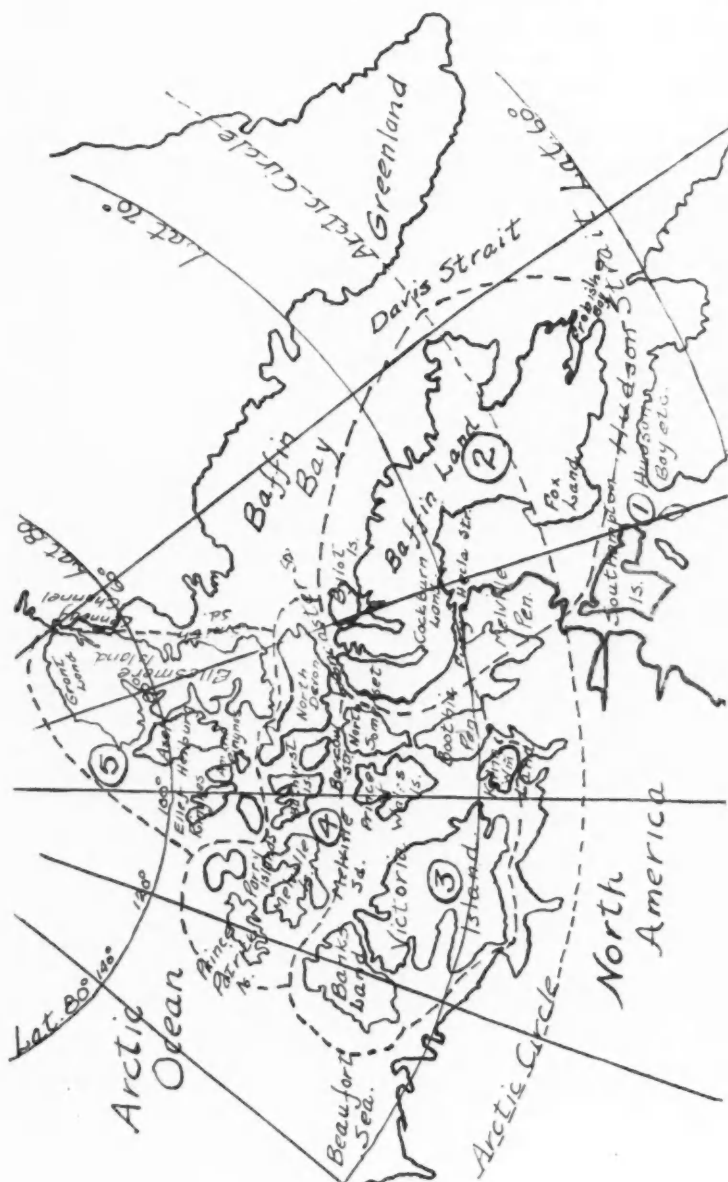
⁴*Ibid.*

⁵Barrow, *Voyages into the Arctic regions*, 260.

⁶For copy of charter of Hudson's Bay Company see Sir W. Schooling, *The governor and company of adventurers of England trading into Hudson's Bay during two hundred and fifty years, 1670-1920* (London, 1920), 1-4.

⁷By the Treaty of Utrecht, copy in *Collection of treaties etc., between Great Britain and other powers* (London, 1772), I, 136.

⁸See Barrow, *Voyages into the Arctic regions*.



colony on Frobisher Bay, in what Queen Elizabeth named *Meta Incognita*, until well into the nineteenth century. In 1840 a sedentary whaling station was established by British explorers on Cumberland Sound. About 1860 two Scottish-owned whaling stations were established at the same place and another at Pond Inlet. In 1903 the Dominion of Canada granted a mica mine, near Big Island in Hudson Strait, from which mica was exported. On the other hand, in 1859 whalers from the United States established two whaling stations on Cumberland Sound. These were sold to the Scottish whalers in 1894. Another United States whaling station on Hudson Strait was abandoned in 1897.¹ During and at the end of the nineteenth century, British occupation of this second area, for whaling purposes, predominated over similar occupation by the United States.

The third group of islands, including Banks Land, Victoria Island, North Somerset, and Boothia Peninsula, was not occupied nor used by white men during the nineteenth century, although, between 1825 and 1854, explorers despatched by the British government were active throughout the group, taking formal possession for Great Britain at innumerable points. In 1879, a private explorer from the United States attempted to take possession of the northern point of King William Island.²

The fourth group of islands, including North Devon and the Parry Islands, like the third group, was not occupied nor used by white men during the nineteenth century. In 1819 and in 1852-53, two British explorers extensively explored and took possession of these islands for Great Britain.³

The fifth group of islands, including Ellesmere, Axel Heiberg, and the Ringnes Islands, like the preceding two groups, remained unoccupied and unused by white men during the nineteenth century. British explorers formally took possession of parts of Ellesmere Island chiefly at the north and south.⁴ In 1882, explorers from the United States formally took possession of Grinnell Land, the central part of Ellesmere Island.⁵ At the end of the century, a Norwegian explorer took formal possession of the western coast of Ellesmere Island and of Axel Heiberg Island and of the Ringnes Islands.⁶

¹King, *Report upon the title of Canada to the islands north of the mainland*, 28.

²*Ibid.*, 30.

³*Ibid.*, 31.

⁴*Ibid.*, 32.

⁵*Ibid.*

⁶*Ibid.*, 32, 54.

By the end of the nineteenth century, therefore, through exploration and occupation, Great Britain had indubitable title to Hudson Bay and Strait and the islands therein, as well as to Baffin Land. She held title to group II by discovery, acts of possession, and partial occupation. Her title to the islands in groups III, IV, and V was, however, not so indubitable, for it rested only on discovery and isolated acts of possession, and in the case of group V especially, the claims of the United States and Norway, based on discovery and isolated acts of possession, were comparable with those of Britain.

The transfer to Canada of Britain's claims to the Arctic archipelago during the latter half of the nineteenth century is the basis on which Canada has assumed sovereignty over that region. The first important extension of the dominion's jurisdiction came with the acquisition in 1870 of the Hudson's Bay Company's territories.¹ The northerly limit of Rupert's Land had been declared by the governor of the Hudson's Bay Company to be the Arctic coast and a line through Baffin Island,² and in 1876 the parliament of Canada, in outlining the northern boundary of the District of Keewatin,³ seemed to adopt this statement. As a result, however, of negotiations then going on, the British government, by order-in-council in 1880, transferred to Canada all British territories in North America except Newfoundland and its dependencies,⁴ an order which was confirmed by imperial statute in 1895.⁵

In 1895, by order-in-council,⁶ the dominion government defined the boundaries of the four districts into which the Northwest Territories were divided. The District of Franklin included practically all the Arctic archipelago, its boundaries beginning at

Cape Best, at the entrance to Hudson's Strait-from the Atlantic; thence westerly through said Strait, Fox Channel, Gulf of Boothia, Franklin Strait, Ross Strait, Simpson Strait, Victoria Strait, Desease Strait, Coronation Gulf and Dolphin and Union Strait, to a point in the Arctic Sea, in longitude about 125 degrees 30 minutes west and latitude about 71 degrees north; thence northerly including Baring Land, Prince Patrick Island and the Polynea Islands; thence north-easterly to the "farthest of Commander Markham's and Lt. Parr's

¹*Statutes of Canada*, 1869, p. iii; *Statutes of Canada*, 1872, pp. lxx-lxxii.

²*Great Britain, House of Commons, Report from the Select Committee on the Hudson's Bay Company*, Minutes of evidence, Examination of Sir G. Simpson, February 26, 1857, Questions nos. 737, 738, 739, 740, 741, 742, at p. 46.

³39 Vict. cap. 21 (Canada) 1867.

⁴Imperial order-in-council, May 16, 1871, *Statutes of Canada*, 1881, p. iii.

⁵58-59 Vict. cap. 34 (imperial).

⁶*Statutes of Canada*, 1896, pp. xlvii-xlix.

sledge Journey," in 1876, in longitude about $63\frac{1}{2}$ degrees west and latitude about $83\frac{1}{4}$ degrees north; thence southerly through Robeson Channel, Kennedy Channel, Smith Sound, Baffin's Bay and Davis's Strait to the place of beginning.

In 1895, therefore, the Canadian government by including in the boundaries of Canada all the islands of the Arctic archipelago north to latitude $83\frac{1}{4}^{\circ}$, notified other states, by a public order-in-council, that the islands so enclosed were Canadian territory. The order-in-council of 1895 created some administrative confusion as to islands between the Yukon District and the District of Franklin. In 1897 this confusion was cured by an order-in-council¹ which, however, left the northern boundary of Canada as proclaimed in 1895.

The orders-in-council of 1895 and the various Yukon statutes² near the end of the century notified other states that the Canadian government regarded all the Arctic archipelago lying west of the channels separating Greenland from that archipelago as within the dominion's boundary, and made clear that Canada intended to increase jurisdiction over the area. If such intention and the public declaration of it constitutes occupation for lands in the Arctic, then the Arctic islands in 1897 became part of Canada and the northern boundary of Canada was extended to a point some $6\frac{3}{4}$ degrees of latitude south of the pole. The Arctic area in which Canada claimed to exercise jurisdiction was bounded on the west by the 141st meridian, on the north by the parallel of $83^{\circ} 15'$ north latitude, and on the east by a line running through Robeson Channel, Kennedy Channel, Smith Sound, Baffin Bay, and Davis Strait.

In the Arctic exercise of jurisdiction is, and must be, the equivalent of occupation. Canada in 1895 and 1897 declared her intention to exercise jurisdiction in, over, and amongst the Arctic islands. However, intention to exercise jurisdiction is not actual exercise of jurisdiction; and, in the period following 1900, it is necessary, therefore, to examine the methods by which the Canadian government has exercised its jurisdiction, and has thus made Canada's title indisputable under the principles of international law.

Prior to the Great War and subsequent to the exploration of Hudson Bay by Gordon in 1884, 1885, 1886 and of Wakeham in 1897, the Canadian government despatched five separate expedi-

¹*Statutes of Canada*, 1898, pp. xxiv-xxxv at p. xxvi; also see *Canada gazette*, May 14, 1898, XXXI, no. 46, pp. 2613-2614.

²61 Vict. cap. 6 (Canada) 1898, 55; 1 Edward VII, cap. 41 (Canada) 1901, 171.

tions to the Arctic with instructions to explore the region, to maintain peace and order, and to establish police, customs, and post offices at strategic points where such governmental services were required.

The first of such expeditions was that of 1903-04, under A. P. Low, accompanied by a major and a detachment of the North-west Mounted Police.¹ Low's instructions were mainly verbal; he was ordered, during the summer of 1904, to proceed north to Kennedy Channel and visit as much territory as the state of the ice would permit. The instructions given the detachment of the North-west Mounted Police were more explicit, and stated that the government of Canada had decided to exercise jurisdiction over the coast and islands in the northern part of the dominion and that "a vessel has been selected and is now being equipped for the purpose of patrolling, exploring and establishing the authority of the Government of Canada in the waters and islands of Hudson Bay and north thereof". The instructions continued:

Any work which has to be done in the way of boarding vessels which may be met, establishing ports on the mainland or the islands, and the introduction of the system of Government Control such as prevails in the organized portions of Canada, has been assigned to the Mounted Police, and you have been selected as the officer to take charge of that branch of the expedition. You will have placed at your disposal a sergeant and four constables; you will be given the additional powers of a Commissioner under the Police Act of Canada and you will also be authorized to act for the Department of Customs.

Mr. Low, the Geologist, the Captain in command of the vessel and yourself will be constituted a Board to consult and decide upon any matters which may arise requiring consideration and joint action.

The knowledge of this far northern portion of Canada is not sufficient to enable definite instructions to be given you as to where a landing should be made, or a Police Port established; decision in that respect is to be left to the Board of three above mentioned, and wherever it is decided to land you will erect huts and communicate as widely as possible the fact that you are there as the representative of the Canadian Government to administer and enforce Canadian laws, and that a patrol vessel will visit the district annually or more frequently.

It may happen that no suitable location for a post will be found, in which case you will return with the vessel, but you will understand that it is the desire of the Government that, if at all possible, some spot shall be chosen where a small force representing the authority of the Canadian Government can be stationed and exercise juris-

¹For more explicit details see Public Archives of Canada, Mss. room, folder "Arctic sovereignty": *Memorandum re Arctic islands* by Holmden.

diction over the surrounding waters and territory. It is not the wish of the Government that any harsh or hurried enforcement of the laws of Canada shall be made. Your first duty will be to impress upon the captains of whaling and trading vessels, and the natives, the fact that after reasonable notice and warning the laws will be enforced as in other parts of Canada.

The expedition wintered at Fullerton Harbour on the west coast of Hudson Bay, north of Chesterfield Inlet. In July, 1904, it proceeded north along the west coast of Greenland to Smith Sound, landing at Cape Sabine and at Cape Herschell on Ellesmere Island. In his report, Low stated that at Cape Herschell "a document taking formal possession in the name of King Edward VII for the Dominion was read and the Canadian flag was raised and saluted. A copy of the document was placed in a large cairn built of rock on the end of the cape".¹ The expedition then sailed southwards, explored Lancaster Sound, landed on North Devon Island, proceeded thence along the east side of Baffin Land back to Fullerton Harbour, and then to Quebec.

In 1904, the Canadian government despatched an expedition to Hudson Bay to establish Mounted Police stations and to annex to Canada all the Arctic territory granted by the British government in 1880. The winter of 1904-05, was spent at Fullerton Harbour and in the summer of 1905 the expedition returned to Quebec.²

In 1906, the Canadian government despatched an expedition to patrol the waters of the Arctic regions and to hoist the flag and deposit records of annexation on the Arctic islands. This expedition explored Lancaster Sound and Barrow Strait, and landed at Cornwallis, Griffith, Bathurst, Byam Martin, Melville, Prince Patrick Islands, and the Parry Islands. Formal possession was taken of all these islands and records were left at all places touched, in cairns, built as tokens of annexation.³

The next expedition, which started in July, 1908, and returned in October, 1909, was despatched in continuation of the two voyages of 1904 and 1906, and was made under specific instructions as to the waters to be patrolled and explored, and the lands to be annexed. After reaching Etah, Greenland, the expedition crossed Baffin Bay, entered Lancaster Sound and proceeded to Winter

¹A. P. Low, *Report on the dominion government expedition to Hudson Bay and the Arctic Islands on board the D.G.S. "Neptune", 1903-1904* (Ottawa, 1906), 48.

²J. E. Bernier, *Report on the Dominion of Canada government expedition to the Arctic islands and Hudson Strait on board the D.G.S. "Arctic"* (Ottawa, 1910), 330, summary account.

³*Ibid.*, 331-333, summary account.

Harbour on Melville Island, touching on the way at Cornwallis, Bathurst, and Byam Martin Islands. All these islands were formally annexed to Canada and during the winter, by overland and over-ice expeditions, Banks and Victoria Islands were annexed. At Winter Harbour on Melville Island, a tablet was erected on July 1, 1909, the words engraved on the tablet being:

This Memorial is erected today to commemorate the taking possession for the Dominion of Canada of the whole Arctic Archipelago lying to the north of America from longitude 60 degrees west to 141 degrees west up to latitude 90 degrees north. Winter Harbour, Melville Island. C. G. S. Arctic. July 1st, 1909. J. E. Bernier. Commander.

The tablet displayed the Canadian flag and a sketch of the *Arctic*.¹

The return voyage was made through Barrow Strait and Lancaster Sound, down the east coast of Baffin Island. On August 29 and September 1, 1909, the expedition sailed through Navy Board Inlet and Eclipse Sound separating Bylot Island from Baffin Island. Off Salmon River, Pond's Inlet, two boats were sighted. "These were the only human beings that the ship's company had seen since leaving Etah in Greenland on August 19, 1908".² At Agnes Monument Island, near Scott's Inlet, Captain Bernier reported:

On Sunday, the 5th [September, 1909], land about Scott's Inlet was sighted, 14 miles off. The coast for 5 or 6 miles east of Scott's Inlet is low, but Agnes Monument Island is a high peak covered with snow, and at 7 p.m. we passed inside the island and entered a large bay in Clyde river, which runs west-north-west, and anchored in the bottom of the bay, alongside of the whaling schooner *Jennie*.

I sent the second officer to get the name of the schooner, and at the same time present my compliments to the captain, who turned out to be Captain Samuel Bartlett. The schooner was chartered by Mr. Harry Whitney, of New York, for a hunting expedition, and had just returned from Ellesmere land, where musk oxen and bears had been killed. At 1, p.m., Captain Bartlett Mr. Whitney and Mr. Fuller came aboard, and the captain handed us mail matter from Ottawa, which he was good enough to bring with him on his voyage, with the expectation of meeting us.

I informed Mr. Whitney that I was patrolling Canadian waters, and, as he had on board his vessel a motor whaleboat, it would be necessary for him to take out a fishery license, and that I would issue it. He stated that if it was a regulation, he would pay the legal fee of \$50., and take the license. I accordingly issued the license and received the fee. We exchanged a quarter of musk ox meat for some magazines furnished by Mr. Whitney.³

¹*Ibid.*, 194-197.

²*Ibid.*, 262.

³*Ibid.*, 273.

Captain Bernier reported on his patrol of the coast as follows:

I could not get any information respecting the whalers at their usual resorts and stations, consequently I determined to follow the shore in search of them with a view of enforcing the whaling regulations. At 6 a.m., we clewed up the sails and made for Searle Harbour, which we entered, and were fortunate enough to find our friend Captain Cooney, of the yacht *St. Hilda*, of Southampton, England. He took a whaling license, and gave me an order on Mr. Kinnes, of Dundee.¹

On the issue of whaling licenses, Captain Bernier reported:

On the 8th [September] at 11.30, we left Searle Harbour, and passed the outer head, going south. At 6.30 of the 10th, we were outside Kekerton station.

Mr. Jackson, in his capacity of customs officer, went ashore, and came back on board with the agent of Kekerton station, and to the agent I issued four whaling licenses, one each for the years 1906-7-8-9. I then left Kekerton station, taking the agent with us on our way to Blackhead.²

In 1910, the Canadian government despatched another expedition to the Arctic islands, to patrol Davis Strait, Baffin Bay, Lancaster Sound, Barrow Strait, Melville Sound, McClure Strait, and the Beaufort Sea to Herschell Island and thence to proceed if possible through Behring Strait to Vancouver. The instructions further stated:

You will acquaint any persons whom you may find engaged in the whale fishery in these northern waters that you are patrolling these waters as the duly accredited officer of the Canadian Government and you will, where necessary, demand payment of license fees for such fishing. If payment be refused you will make a request that such refusal be put in writing. It is not desirable that you should take any action in this regard which would be likely to embarrass the Government.³

The expedition visited Bylot Island, Salmon River, Pond's Inlet, Erebus Bay, North Devon Island, Cornwallis Island, Bathurst Island, Byam Martin Island, Winter Harbour, Melville Island, and was then forced by ice to return to Arctic Bay on Admiralty Inlet, which is on the north coast of Baffin Island.⁴ From winter quarters at Arctic Bay, explorations were conducted overland and by sea, west to Prince Regent Inlet, and south to Fury and Hecla Strait.⁵ In the autumn of 1911 the expedition returned along the east coast of Baffin Island to Cumberland Gulf,

¹*Ibid.*, 277.

²*Ibid.*, 281-282.

³J. F. Bernier, *The Arctic expedition*, 1910, ix.

⁴*Ibid.*, 31.

⁵*Ibid.*, 38, 57-64.

and thence to Quebec. The expedition performed valuable exploratory work and obtained information as to mineral and fishery possibilities in the areas explored. The report of the voyage concluded:

The other service performed by Captain Bernier consisted of patrol work in connection with the fishery regulations pertaining to whaling in the northern waters of the Dominion, and the issuing of whaling licenses to vessels engaged in the industry. Two vessels were boarded and notices were left at whaling stations calling attention to the regulations requiring whaling vessels to obtain licenses, and requesting owners and Captains to recognize the authority of the Department at Ottawa, and the jurisdiction of the Government over territorial waters in the northern regions of the continent.¹

Such is a brief description of the five expeditions between 1900 and the Great War by which the Canadian government exercised jurisdiction over the Arctic islands which it had claimed. Canadian control over the area was effectively demonstrated, and all persons temporarily or permanently occupying the region were subjected to Canadian law. Since occupation in the Arctic can only mean exercise of jurisdiction, it must be concluded that in this period Canada not only claimed sovereignty over the Arctic islands but supported her claim by occupation.

During the War the Canadian government could give little or no attention to the Arctic region, although in 1917, the matter came before the Imperial War Cabinet. In 1918, the question of sovereignty in the Arctic was again raised by Danish activities from the north of Greenland. Meanwhile, in the period prior to 1914 and in the period from 1914 to 1918, both the Norwegian and the United States governments established claims based on discovery to the most northerly Canadian islands: Norway to Axel Heiberg Island, the Ringnes Islands, and to the west and north-west parts of Ellesmere Island; the United States to the eastern middle section of Ellesmere Island.

In 1904, Low had proclaimed Ellesmere Island part of Canada.² The expeditions sent out by the Canadian government in 1906, 1908, and 1910 had enforced Canadian jurisdiction over parts of the Arctic area whenever and wherever opportunity offered, but not specifically in Ellesmere Island, although a citizen of the United States took out a fishing license applicable to Ellesmere Island, so admitting the jurisdiction of the government of Canada therein.³

¹*Ibid.*, 83-84.

²*Supra*, note 1, p. 32.

³*Supra*, note 3, p. 33.

Norway's claim was based on discovery in the four years from 1898 to 1902, and applied to Axel Heiberg and the Ringnes Islands, as well as to part of Ellesmere Island. Canada's claim, however, seems much stronger as it was reinforced by the Canadian government's expeditions sent out in 1904 and 1909 to patrol and enforce Canadian laws in the area.¹ Norway, after 1902, made no efforts to govern or to occupy the islands or parts of islands which she claimed, and it may be presumed that her claim, which rested merely on discovery, lapsed.

The claim of the United States to certain eastern and central parts of Ellesmere Island, in that it is based on explorations in 1906-07, 1908-09, and 1915-18, has greater weight than that of Norway. Like the Norwegian claim, that of the United States is based only on discovery and not on occupation or exercise of jurisdiction, for at no time has the government of the United States performed any act whereby its jurisdiction or laws were enforced in Ellesmere Island. If Ellesmere was unoccupied territory, then annexation by the United States without occupation of parts of it in 1914-18, when Canada was at war, might equal, but could hardly supersede, the Canadian claim to title which was based on British discovery in 1818, 1852, 1875-76, and on Canadian occupation by exercise of jurisdiction from 1900 to the outbreak of war.

This brings us to the question of Danish claims. In 1917, the Imperial War Cabinet declared:

1. That the position of Greenland makes the question of its territorial ownership a matter of great importance to the British Empire as a whole and to Canada in particular.

2. That it is extremely undesirable that Greenland should pass out of the hands of the present owner into those of any other power even a friendly power.

3. In the event of any possible sale or disposal of Danish territory in Greenland we should have a prior claim to its acquisition and at the first favourable opportunity an undertaking should be secured from Denmark to this effect.²

In 1919, Denmark asked the leading allied nations to recognize Danish sovereignty with respect to the whole of Greenland.³ At the instance of Canada, the British government agreed on condition that in the event of any possible sale or disposal of Danish territory in Greenland, Great Britain would have a prior claim to acquire possession. To this condition the government

¹*Supra*, note 1, p. 32 and note 1, p. 33.

²Quoted in *Report of Advisory Technical Board*, 1920, 11. Type-written copy is in Public Archives of Canada, Mss. room, folder "Arctic sovereignty".

³*Ibid.*, 10-12.

of the United States was opposed, and in a note to the British government it stated:

The United States Government, however, is not disposed to recognize the existence in a third government of a right of pre-emption to acquire this territory if the Danish Government should desire to dispose of it and accordingly reserves for the future consideration what position it may take in the event of a specific proposal for such a transfer.¹

On September 6, 1920, the British government recognized Danish sovereignty over the whole of Greenland with the reservation that: "His Majesty's Government must reserve their right to be consulted, should the Danish Government at any time contemplate the alienation of their territory."²

The question of sovereignty in North Greenland and in the northern Arctic islands had become critical in 1919, when, as a result of the work of the Canadian Musk Ox, Reindeer Commission, the Canadian government requested the Danish government to restrain the Eskimo of Greenland from killing musk oxen in Ellesmere Island.³ The Danish reply to this request was a formal letter, and an enclosure, prepared by Knud Rasmussen, the Danish Arctic explorer, with respect to the musk ox. Rasmussen stated:

It is well known that the territory of the Polar Esquimaux falls within the region designated as "No Man's Land" and there is, therefore, no authority in the district except that which I exercise through my station [in Greenland]. . . . I venture to close with the observation that, in order to carry out the protective measures indicated in this statement, I shall need no assistance whatever from the Canadian Government.

The formal letter from the Danish government read in part as follows:

The Government therefore submitted the matter to the Director of the above mentioned Thule Station, Mr. Knud Rasmussen, who thereupon handed to the Administration of the Colonies of Greenland a statement on the subject, in which he comes to the conclusion that he will not need the assistance of the Canadian Government in order to carry out the protective measures indicated in his statement. Having acquainted themselves with the statement in question, my Government think that they can subscribe to what Mr. Rasmussen says therein, and have instructed me to submit a copy of it to His Britannic Majesty's Government.⁴

¹*Ibid.*, 11-12.

²*Ibid.*

³*Ibid.*, 1.

⁴*Ibid.*, 1-2.

The Danish government, it may be concluded from these documents, considered Ellesmere Island as unoccupied territory open to acquisition by any state which cared to exercise and did exercise jurisdiction therein. On July 13, 1920, the Canadian government, on the other hand, strongly protested against the Danish assertion that Ellesmere Island was "No Man's Land" and insisted that the whole island was under British sovereignty. To this protest the Danish government failed to reply.¹

Through Danish activities centering in northern Greenland and evidently directed to Ellesmere Island, that island became the critical point in the question of Canadian sovereignty over the Arctic archipelago. If Denmark, by means of Eskimo from Greenland, occupied and exercised jurisdiction in Ellesmere Island, the northern Canadian boundary would thereby be moved so much further south. If Canada occupied and exercised jurisdiction in Ellesmere Island, then the Canadian northern boundary would remain as declared by the Canadian government in 1895, 1897, and 1909. Faced by this situation, the Canadian government, in 1922, despatched an expedition to Ellesmere Island, and thereafter each year, an expedition has gone north to the Arctic islands to maintain the Canadian claim to Ellesmere as well as to the other Arctic islands. These expeditions have attempted to better the condition of the natives, to secure scientific data, to explore and survey shore lines, and generally to increase the efficiency of administration in the area. Local offices or posts have been established and maintained at strategic points from which police, customs, postal, medical, and other governmental services are carried on by resident officials.²

The expedition of 1922 sailed as far north as the south end of Ellesmere Island, within 830 miles of the pole. Posts were established at Craig Harbour on Ellesmere Island and at Pond's Inlet on the north-eastern coast of Baffin Island. An inspector and a detachment of the Royal Canadian Mounted Police were left in charge of these posts.

The expedition of 1923, successfully revisited the posts at Craig Harbour and Pond's Inlet and a new post was established at Pangnirtung on the north side of Cumberland Sound, Baffin Island. Examinations and surveys of possible sites for other posts were also made. On this voyage, a magistrate and a complete court

¹*Ibid.*

²For summary of activities of Canadian Arctic expeditions in 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, see *The North-west Territories, 1930* (Canada, Department of Interior, North-west Territories and Yukon Branch, Ottawa, 1930), 120-137.

accompanied the expedition for the purpose of conducting the trial at Pond's Inlet of an Eskimo charged with the murder of a white trader.

The expedition of 1924, again reached the three posts at Pangnirtung, Pond's Inlet, and Craig Harbour and established a new post at Dundas Harbour on the south coast of Devon Island. The expedition attempted to establish a post further north on Ellesmere Island but on account of ice it was not found possible to gain access to a desirable site. A cache of provisions and supplies, called Kane Basin, was established on Rice Strait in latitude $76^{\circ} 46'$ north.

Craig Harbour, Kane Basin, Dundas Harbour, Pond's Inlet, and Pangnirtung were once more visited by the expedition of 1925 but no new posts were established. It had been hoped to reach Bache Peninsula, Ellesmere Island, and establish a post there but ice and shortage of coal prevented this. Material for the post at Bache Peninsula was deposited at Kane Basin and Dundas Harbour. The necessary exchange of police officers was made at all posts, and arrangements were made for a winter patrol from Craig Harbour to Axel Heiberg Island.

The expedition of 1926 sailed from North Sydney, Nova Scotia, on July 15, reached Pond's Inlet on the 20th, Dundas Harbour on the 27th, and Craig Harbour on the 30th. Kane Basin was then visited and material which had been left there the year before was taken on board. Thence the expedition steamed north to Bache Peninsula, and discovered a suitable harbour on the south side of Bache Peninsula in latitude $79^{\circ} 4'$ north, longitude $76^{\circ} 18'$ west. The site of the new post was described by the officer in charge of the expedition as most favourably located for patrolling the areas to the north and west. On the southbound trip calls were made at Dundas Harbour, Pond's Inlet, and Pangnirtung. The expedition reached North Sydney on August 29.

The expedition of 1928, established a new post on the south shores of Baffin Island, about half way along Hudson Strait, known as Lake Harbour. It revisited Pangnirtung, Pond's Inlet, Dundas Harbour, Craig Harbour, and Bache Peninsula. It is to be noted that the post at Bache Peninsula is the most northern post office in the world. In 1928, all posts were revisited with the exception of that on Bache Peninsula. Ice prevented the ship getting to the peninsula, but supplies were landed at Kane Basin cache, within twenty-five miles of the post. Coal, gasoline, and other heavy staple necessities had been left at the post at Bache Peninsula

to the extent of two or three years' requirements, so that the failure to reach the post would create few difficulties. The supplies landed at Kane Basin could be moved the twenty-five miles by motor-boat or dog-sled as conditions warranted.

The expedition of 1929 visited all posts and made the usual exchanges of officers and deposit of supplies.

During these years from 1922 to the present, the detachments of the Royal Canadian Mounted Police at the various posts in the Arctic conducted patrols of the surrounding territory. In 1926, a sergeant and a constable of the Pangnirtung post made a patrol of 1,286 miles from Pangnirtung to Lake Harbour, across the interior of the south part of Baffin Island. In 1927, a sergeant and a constable of the Bache Peninsula post made a patrol of 1,300 miles from Bache Peninsula post across Ellesmere Island to Axel Heiberg, Sverdrup, King Christian, Cornwall, and Graham Islands. In 1928, an inspector of the Royal Canadian Mounted Police made a patrol of 900 miles on the north coast of Baffin Island from Pond's Inlet to Fury and Hecla Strait. In 1929, an inspector and two constables of the Dundas Harbour post made a patrol of 1,700 miles from Dundas Harbour to Bache Peninsula. This patrol starting from Dundas Harbour on Devon Island, ran first westerly to Winter Harbour on Melville Island, thence northerly to Hecla and Griper Bay, and thence north-westerly to Bache Peninsula. The following principal islands were visited by the patrol: Devon, Cornwallis, Bathurst, Melville, Loughheed, Edmund Walker, King Christian, Ellef Ringnes, Cornwall, Axel Heiberg, and Ellesmere.

Since 1922, therefore, the Canadian government has exercised jurisdiction in and over the Arctic islands by establishing police, customs, and post offices at strategic and necessary points and by conducting patrols over the surrounding territory. The dominion has thus fortified the claims put forward earlier by the orders-in-council of 1895 and 1897 and by the five expeditions sent before 1914. The title of Canada to the Arctic islands was recognized by Norway in 1930;¹ and the claims, of Denmark and of the United States have been nullified by Canadian occupation of the territory. No other nation has or could have any claim to the Canadian Arctic archipelago.

It may be asked, finally, what is the northern boundary of the dominion. In 1897, the Canadian government declared that, north of the Arctic coast line of the continent, the boundary on the

¹For report and announcement see Ottawa daily papers, November 12, 1930; *Statutes of Canada*, 1931, prefix, p. xxv.

west was the 141st meridian to the parallel of $83\frac{1}{4}^{\circ}$ north latitude, on the north the parallel of $83\frac{1}{4}^{\circ}$, and on the east a line drawn from a point in latitude $83\frac{1}{4}^{\circ}$ longitude $63\frac{1}{2}^{\circ}$ southwards through Robeson Channel, Kennedy Strait, Smith Sound, Baffin Bay, and Davis Strait to the Atlantic,¹ that is through the middle of the channel on the west of Greenland. In 1909, Captain Bernier in the name of the king on behalf of Canada took possession of the Arctic archipelago between the 141st meridian and the channel west of Greenland up to 90° north latitude, that is up to the north pole.² Captain Bernier was an official agent of the Canadian government, sent north expressly for the purpose of annexing the Arctic archipelago to Canada. Since 1922, as we have seen, the Canadian government has progressively occupied, and has performed acts of government in, the Arctic archipelago, wherever need and opportunity have offered, and to the exclusion of other governments. It may be said, therefore, that, by the activities of the Canadian government in the Arctic, the declaration of 1909 has now been validated.

V. KENNETH JOHNSTON

¹*Supra*, note 6, p. 29.

²*Supra*, note 1, p. 33.

NOTES AND DOCUMENTS

LORD NORTHINGTON AND THE LAWS OF CANADA

THIS is the story of two attempts to change the laws of Canada, one occurring in 1766, the other in 1767. Both failed, though the former came very close to success. Had either actually been successful, the substance of the legal reforms later introduced by the Quebec Act would have been largely anticipated by nearly a decade. That these attempts were made, and that Charles Yorke, attorney-general in the Rockingham ministry, was the sponsor of the scheme then put forward, are facts well enough known to historians. But the story has never been fully told, nor, in particular, has the part taken by Yorke's senior colleague and professional rival, Lord Chancellor Northington, ever been clearly revealed. It is hoped that this article, which traces the course of events in detail, may be of some service to inquirers into the early constitutional history of Canada. The instructions draughted for the formal execution of the rejected plan are appended, with notes and contemporary comments.¹

Some familiar facts must first be recapitulated. After the establishment of civil government in Quebec in 1764 there remained much doubt as to the type of law which should be administered in the province. The documents which had issued under the great seal seemed to imply the existence only of English law, and the Canadian authorities proceeded upon that general understanding in framing the judicial system. Yet there was great uncertainty both as to the real intentions of the home government and as to the true legal effect of the Proclamation of 1763 and the letters patent which followed it, while Governor Murray and his subordinates were convinced of the impossibility of doing away completely with the customary law of the province. A compromise was reached which in practice permitted the pleading of either French or English law, or even both, in most civil suits, while English law alone was authorized in criminal cases.² The immediate results were less disastrous than might have been expected,

¹The writers wish to acknowledge their gratitude to the University of Michigan for a grant enabling them to procure from various London archives photostats and copies of several documents used in the preparation of this article.

²Adam Shortt and A. G. Doughty (eds.), *Documents relating to the constitutional history of Canada* (Ottawa, 1918), I, 205-210: Ordinance of Sept. 17, 1764.

but it speedily became apparent that so irrational a system could not be long maintained without involving both old and new subjects in inextricable confusion. The attention of the authorities at home was at once directed to the problem, and within a little less than a year the Lords of Trade had produced a comprehensive plan for the reform of the laws of Canada.¹ Governor Murray had erred, the report stated, in supposing that the colonial courts might not in general recognize the Custom of Paris. They should certainly be allowed to do so "in all cases where any rights or claims founded upon any transactions & events prior to the conquest of Canada shall come into question". Nothing was said of criminal cases or of suits post-conquest in origin; presumably the English law would there prevail. Murray had erected a court of king's bench and a court of common pleas, but these were to be replaced by a single superior court (with provision for assizes) "having all the powers, jurisdictions and authorities of the Court of King's Bench, Common Pleas, and Court of Exchequer in Westminster Hall". This court was to consist of the chief justice and three puisne judges all acquainted with the French language, one at least being also familiar with French law.

This report of the Board of Trade was well received by the Rockingham ministry then in office. Some of its minor recommendations (none of which have here been mentioned) were put into effect.² Murray was recalled and was replaced by Carleton; the inefficient chief justice and attorney-general of Quebec were dismissed and their places filled by William Hey and Francis Maseres, both of whom were nominees of Charles Yorke.³ The more important proposals in respect to the law were transmitted to the law officers for a professional opinion and for detailed exposition. William de Grey, solicitor-general, seems to have taken no part in the subsequent inquiry; his signature was appended as a matter of form to the report of the law officers,

¹*Ibid.*, 237-247: Sept. 2, 1765. This and several of the documents and proposals to be mentioned presently dealt not only with the judicial but also with the legislative constitution of Canada. The present article confines itself strictly to the judicial side. This will cause no difficulty to readers familiar with Canadian history, but it may be proper to warn strangers that but one part of the story is here told. An antidote may be found in A. L. Burt, "The problem of government, 1760-1774" (*Cambridge history of the British Empire*, VI, 146-172).

²Jury service and the bar were opened to the two nationalities on equal terms. This was done by a provincial ordinance of July 1, 1766, following additional instructions of Feb. 24, 1766. See under clause six of the instructions appended to this paper.

³British Museum, *Additional manuscripts*, 35915: 334, transcripts in the Public Archives of Canada. These transcripts are hereafter referred to as the *Hardwicke papers*; the originals are cited as *Add. mss.*

but that paper was the work of Yorke.¹ It must be said that neither now nor later did the attorney-general manifest a very shrewd understanding of the situation in the colony. It appears to have been his opinion that the French language and customs had hitherto been utterly barred from Canadian courts, an "error" which he blamed upon the false construction put upon the Proclamation of 1763, which had never been intended to abrogate the old law of Canada. This double mistake he thought was the principal source of disorder in the colony. His report followed in general the lines laid down in that of the Board of Trade, with, of course, more attention to the technical aspects.² But in respect to fundamental law Yorke was disposed to go even further than the Board of Trade had done. Criminal law must remain English; commercial and other personal actions founded upon debts, contracts, *etc.*, were to be decided by those "substantial maxims of law and justice [which] are every where the same". But all suits relating to real property, regardless of the date of the transactions upon which they were based, were to be determined by the custom of the country, that is, by French law. The same rules were to apply to the distribution of real property in cases of intestacy. In another point Yorke travelled beyond the concessions which the Lords of Trade were prepared to make to the new subjects. He proposed to appoint a number of Canadian³ magistrates (a step for which there was no precedent) and to have the judges employ French *gens de loi* as advisors in the superior court.

Yorke's report, which bore the date April 14, 1766, was considered by the Privy Council, in committee, on May 13. Yorke was not present; in fact nobody "in the law line" attended this meeting; Northington, the chancellor, was a martyr to the gout and rarely came to council at all.⁴ The laymen present found themselves in entire agreement with Yorke's views; accordingly they sent the report to the Lords of Trade with orders that additional instructions to the governor of Quebec be framed in con-

¹The rough draught in Yorke's hand is in *Add. mss.*, 35914: 130-140; cf. his reference to "my report" (*ibid.*, 200), and Hardwicke's to "my brother's report", to Rockingham, June 30, 1766 (George Thomas, Earl of Albemarle, *Memoirs of the Marquis of Rockingham and his contemporaries*, London, 1852, I, 355).

²Shortt and Doughty, *Documents*, I, 251-257.

³Here and later the term "Canadian" is used in its contemporary sense of French Canadian, and by implication, Roman Catholic. There were already one or two French Protestant magistrates, and Yorke preferred Protestants, but his recommendation did not exclude Catholics.

⁴A narrative of the changes in the ministry, 1765-1767 (Camden Society publications, 1898), 77: Duke of Newcastle to John White, June 28, 1766.

formity with the recommendations of the attorney-general.¹ This task naturally devolved upon John Pownall, secretary to the Board. Pownall contented himself with draughting a brief instruction which was, in fact, little more than a covering letter for the reports of the Board of Trade and the law officers, both of which it was designed to append to the instructions. Murray² was ordered to publish an ordinance revoking and annulling all his previous regulations dealing with judicial matters and establishing a brand new system based upon the reports now sent him. Further, he was to issue a proclamation of reassurance to the Canadians explaining that the earlier measures had not been designed to deprive them of their "local customs and usages, more especially in titles to lands and cases of real property".³ These draught instructions were enclosed in a formal report and the whole was sent to the Council on June 3, 1766.

This summary method of doing things did not appeal to the ministers. The lords of the Committee received Pownall's draught on June 13, and promptly sent it back with a demand for more detailed instructions.⁴ Pownall, in consultation with Yorke, now drew up an elaborate plan, detailing clause by clause what the content of the new provincial ordinance must be. In general, the provisions agreed with those already approved, but Yorke seems to have thought that the discretion of the Canadians might be trusted to an even higher degree than he had previously calculated. He inserted a clause opening all judicial and ministerial-judicial offices in the colony, excepting only those of the judges in the superior court, to Canadians. Further, there was prefaced to the instructions a highly rhetorical prologue, lamenting the injustices which had been the lot of the Canadians in the past, and promising them better things in the future. The provincial ordinances which were conceived to be the cause of all the mischief were this time not left to the governor to be repealed, but were annulled in the instructions themselves. With these changes and a good deal of semi-technical detail added, the new draught was

¹*Acts of the Privy Council, Colonial series, 1745-1766, § 586.*

²Murray remained nominal governor of Quebec until 1768; he actually left Quebec on June 28, 1766; Carleton arrived on Oct. 26.

³*House of Lords papers, May 27, 1767.* These draught instructions also contained a reference to the additional instructions of Feb. 24, 1766, and amplified them by requiring Roman Catholic jurors and advocates to take an oath of allegiance and of office in lieu of the oath and declaration prescribed by 1 Geo. I (stat. 2, c. 13). The first paragraphs of the Board of Trade report—down to "uncandid and indecent" (Shortt and Doughty, *Documents*, I, 239)—are omitted from the copy of that report attached to the draught instructions.

⁴*Acts of the Privy Council, Colonial series, 1745-1766, § 586.*

ready for the Council on June 24. It is the text of this draught which is appended to the present article.

From this point mere force of routine ought to have carried the thing through. The report, already approved by the law officers and the Board of Trade, was sent to the ministers on June 24.¹ On the 26th they met to approve it. It was regarded as urgent business, and doubtless it was supposed that by the end of the month the instructions would be on their way to Quebec and before the end of the year the unhappy Canadians would have achieved the gratification of their fondest desires.

Enter now the villain. Robert Henley, first Earl of Northington, lord high chancellor of England, had long been dissatisfied with the composition of the ministry of which he was a member and particularly with his own place in it.² His health, or his temperament, or both, had made it difficult for him to fill the triple office of member of the Council, chancellor, and presiding officer in the Lords. The security of his position was threatened by the pretensions of Yorke, who had an ambition to be the second of his house to sit upon the woolsack—who, in fact, conceived that the king had distinctly promised him that place,³ and who, it was said, only a few weeks before had been involved in a conspiracy to turn the present incumbent out.⁴ Contemporary opinion was that Northington foresaw either the fall of the ministry (which had been tottering for some time) or the loss of his own place in it; he therefore determined that he himself should put an end to the government, having first taken precautions to ensure himself a place equally lucrative but less burdensome in the new one.

¹Board of Trade to lords of Committee, copy in Public Archives of Canada, Q. 3, 170-171.

²The story of these events of 1766 and 1767 is collated from the following sources: Newcastle's account in *A narrative of the changes in the ministry*, 77-78; Hardwicke's and Richmond's accounts in Albemarle, *Memoirs of Rockingham*, I, 350 ff. and II, 37 ff.; Horace Walpole's account in his *Memoirs of the reign of King George the Third* first published by Sir Denis Le Marchant (ed. G. F. R. Barker, London and New York, 1894), II, 237-238 and III, 33, 39-40; John Adolphus's account in his *History of England* (London, 1802), I, 238-240; W. G. Taylor and J. H. Pringle (eds.), *Correspondence of William Pitt, Earl of Chatham* (London, 1838), II; John, Lord Campbell, *Lives of the lords chancellors* (London, 1846), V, 207-222, 406; Sir William Anson (ed.), *Autobiography and political correspondence of Augustus Henry, third Duke of Grafton* (London, 1898), 170-171; George Harris, *The life of Lord Chancellor Hardwicke* (London, 1847), III, 443 ff.; Robert, Lord Henley, *A memoir of the life of Robert Henley, Earl of Northington* (London, 1831), 43-53; Lord [Edmond] Fitzmaurice, *Life of William, Earl of Shelburne* (2nd edition, London, 1912); C. W. Alvord, *The Mississippi valley in British politics* (Cleveland, 1917); *Acts of the Privy Council, Colonial series*, 1745-1766, § 586, and 1766-1783, § 33; as well as the manuscript sources mentioned in the notes.

³Harris, *Life of Hardwicke*, III, 445, 448-449.

⁴Campbell, *Lords chancellors*, V, 406.

By midsummer of 1766 the time was ripe for this venture; the pretext was to be the Canadian question.

It would, however, be unsafe to suppose that Northington was prompted solely by jealousy or by personal ambition in opposing Yorke's reforms. He was not ignorant of Canadian affairs, or at least not more ignorant than were his colleagues. He had himself affixed the great seal to the Proclamation of 1763, and we need not accept his statement that at that time he had not bothered to read that "very silly" document, as he now termed it.¹ His present objections to the extension of the prerogative rights of government over conquered territory were (*pace* Lord Mansfield) quite arguable on grounds of constitutional law. Fowler Walker seems to have kept him informed of the attitude of the English merchants in Quebec,² a group whom the proposed change was scarcely designed to conciliate. Again, Northington may well have perused Francis Maseres's recently-printed *Considerations on the expediency of procuring an Act of Parliament for the settlement of the Province of Quebec*,³ a work devised by the new attorney-general of the province, with the concurrence of the new lieutenant-governor and the new chief justice, to dissuade the ministry from doing, at least without the approbation of parliament, the very thing which it was now about to do. Upon what was probably the chancellor's first view of Yorke's scheme (May 21, 1766), he had termed the measure "the most oppressive to the subject that ever was enacted".⁴ When Dartmouth explained its terms to him more fully he was quite willing to concede the technical excellence of the details but was still unprepared to accept their general implications.⁵ It was, therefore, in no acquiescent mood that he prepared to receive his colleagues on June 26.

By way of concession to Northington's gout the ministers had agreed to meet at the chancellor's house. No sooner had the instructions been read than Northington, doubtless additionally inflamed by that most irritating of distempers, burst into complaints. First he denounced the discourtesy with which his colleagues in the ministry had treated him. Whether there was

¹Richmond's account in Albemarle, *Memoirs of Rockingham*, I, 353.

²Walker's paper "Considerations on the present state of the Province of Quebec" (*Hardwicke papers*, 35915: 20-46), is endorsed "Lent by the Lord Chancellor to the Kings Advocate" and contains a statement that it was prepared at the request of a noble lord.

³London, 1766; reprinted in Shortt and Doughty, *Documents*, I, 257-269.

⁴Albemarle, *Memoirs of Rockingham*, I, 343: Northington to Rockingham, May 22, 1766. While not certain, it seems probable that the reference is to the Canadian plan.

⁵*Ibid.*, 355: Richmond's account.

justice in this complaint, or whether, anticipating the practice of a better-known officer of state, he merely added it "to give artistic verisimilitude to an otherwise bald and unconvincing narrative", one cannot be sure. He then attacked the legality of the instructions: parliament alone, he thought, could change the laws of a conquered colony; parliament alone could dispense with the penal laws; parliament alone could empower the governor to erect courts. As to the legality of the proposals, Northington appeared to have embraced the views of Francis Maseres; as to their expediency he had doubts of his own. On the whole he thought that nothing should be done until a code of the old Canadian law was received from Quebec.

With the chancellor so "very cross indeed" nothing more could be done at this sitting, and Northington declined to attend any more Cabinet meetings. His colleagues determined to go along without him,¹ though still desirous of retaining his support. From Lincoln's Inn Fields they moved to Whitehall and met once and again at the Duke of Richmond's; Yorke and de Grey were now called in; fresh draughts of the instructions were prepared, with the objections raised at Northington's house inserted in the margins. Some were of a technical nature, but for the most part they were political. The clause immediately annulling the old ordinances was "proposed to be omitted"; the plan was first to be sent to Canada for consideration by the local officers; nothing final was to be done until a pandect of Canadian law had been sent from Quebec. Yorke again carefully went over the instructions and directed the insertion of a clause to this effect.² Everything was settled; Yorke went off to the country, virtually certain of his instructions and with high hopes of his lord chancellorship.

¹Cf. Maseres's statement in his letter to Fowler Walker, March 30, 1768 (W. S. Wallace [ed.], *The Maseres letters, 1766-1768*, Toronto, 1919, 68).

²These draughts are *Dartmouth papers*, 2250, 2251, and 2252 in the Public Archives of Canada. The first is the instructions of the Board of Trade, plus the marginal comments arising from the meeting of June 26; the second is the same, plus the comments of an unidentified person, evidently a lawyer; the third is a combination of the first and second, probably concocted by Pownall. The copy which went to Yorke, with his final note and an endorsement by him (the latter of much later date) is in *Add. mss.*, 35914: 191-200. There is also a folded memorandum, apparently jottings arising from the meetings of June and July, but without date or sign of authorship, at present lying loose amongst the *Dartmouth papers*. The anonymous *Dartmouth papers*, 2354 may also deal with these matters; the writer may have been Lord Hardwicke, Yorke's brother. Most of these comments are reproduced below in the notes to the instructions. Too late for inclusion in these notes the writers discovered four pages of memoranda scrawled by Yorke on the back of *Add. mss.*, 35915: 64-61 (inverted). They are headed "June July 1766—At. Pr. C. I. D. of Richmond's—Quebec." So far as legible, they add very little to, and subtract nothing from, the information here given.

Northington's anger was proportionate to his rival's expectations. "By God!" he loudly exclaimed, "they shall never meet again."¹ Next morning found him, gout and all, in the king's closet. Persistent, though contradictory, rumours of great changes pervaded the town. Two or three days later (July 7, 1766) the king informed Rockingham that he had sent for Pitt.² On the last day of July the ministers handed in their seals; the instructions were suspended in mid-air; the Board of Trade had sent them, in the revised and enlarged edition, to the Committee of Council; the Committee had discussed but had not accepted them. The Council as such had never seen them. Copies rested in the hands of Pownall, of Yorke, of Dartmouth, and of Newcastle.

With the formation of the Chatham ministry a curtain fell on Canadian affairs. The precise nature of the late proposals was probably known only to two members of the new administration. But Northington, who had arranged for himself the post, well-suited to his gout, of lord president of the Council, with some desirable perquisites, was unlikely to resurrect measures of which he disapproved; and de Grey, now attorney-general, though he had signed Yorke's report of April, 1766, usually played a minor part. Shelburne, Richmond's successor as secretary for the Southern Department, knew that the Canadian situation required some consideration;³ but Shelburne rapidly became preoccupied with the lively details of administration in the other American colonies and with the pressing problems of the western lands. For a matter of six months the ministry amiably ignored Canada and its legal problems.

The outraged Rockinghams, however, had no intention of submitting meekly to their betrayal by "Thomas of Tilbury". By February, 1767, they were plotting revenge; and Richmond vehemently urged "bringing the Canada affair into the House of Lords".⁴ Such a procedure, no doubt, would admirably display the incompetence of the ministry, and, sweeter far, the political gyrations of Northington. Rumour of these designs soon reached Shelburne. He awoke to the possibility of a minor political crisis, and immediately directed an active investigation into the affairs of Canada. Memoranda were accumulated; notes taken; proposals presented.

¹Campbell, *Lords chancellors*, V, 209.

²Cf. George III to Pitt, July 7, 1766 (*Chatham corr.*, II, 436).

³*Shelburne papers*, in the William L. Clements Library, Ann Arbor, 49: 17: "Things to be consider'd of in North America" c. August, 1766.

⁴Albemarle, *Memoirs of Rockingham*, II, 37: Hardwicke to Yorke, Feb. 11, 1767.

But to gather up the threads of policy as they had been left by the Rockinghams proved no easy task. The instructions, suspended in mid-air at the moment Yorke had gone happily down to the country, seemed now to have utterly vanished. To unravel their fate tested the ingenuity of the clerks in Shelburne's recently reorganized department, where three new under-secretaries, Maurice Morgann, Lauchlin McLeane, and Richard Sutton, had been appointed, and only one of Richmond's staff continued.¹ At first not even a copy of the instructions as amended under the order of June 13, 1766, could be found. One opinion was that they had never been returned to the Council at all.² Maurice Morgann, on the contrary, was at first under the delusion that they had been not only returned, but approved and actually sent to Quebec.³ Finally it was decided that they had been brought back to the Board of Trade by Dartmouth after discussion amongst the ministers and shortly before the fall of the Rockinghams.⁴ Possibly this had actually occurred during those weeks, after the fatal meeting at the chancellor's house, when the Rockinghams were attempting to reckon without their host. At the Board of Trade, apparently, the instructions had lain forgotten, while in five months the Board had had two new presidents.⁵ A copy, it was affirmed, had been left at the Council office, but Northington had refused to recognize a copy. This, suggested one of Shelburne's secretaries, possibly McLeane, was the "point of delay or punctilio" on which Richmond meant to found his attack.⁶ It was also a convenient excuse for the general inactivity of the ministry.

Once the instructions were found Shelburne was disposed to regard them with favour. "The instructions", wrote Morgann, "are very full and such as puts the future administration of justice in that country upon the best footing." McLeane, if McLeane it was, thought their adoption would leave very little to be desired for "the regulation of affairs at Quebec".⁷ Maseres, in September,

¹The under-secretary who was continued was Peter Michael Morin. John Christopher Roberts, also of Richmond's staff, remained with Shelburne until October, 1766.

²*Shelburne papers*, 64: 577: "List of papers relative to Quebec received from the Council office, May 16, 1767".

³*Shelburne papers*, 64: 523: "An account of the state of Canada from its conquest to the present time" written and annotated by Morgann.

⁴*Cf.* Morgann (*ibid.*). See also *Shelburne papers*, 64: 483: "Relative to the present state of Quebec, 17th May, 1767". This paper was probably written by McLeane. It is often cited under a later erroneous endorsement "Ld Shelburne to the Board of Trade" etc.

⁵Wills Hill, Earl of Hillsborough and Robert Nugent, created Viscount Clare.

⁶*Shelburne papers*, 64: 483; *cf. ibid.*, 64: 523.

⁷*Ibid.*, 64: 550, 486.

1766, had written that "whatever disunion has ever subsisted between the French and English . . . has been intirely owing to Mr. Murray's endeavours", and had stated that Murray's ordinances were illegal.¹ Shelburne seems to have acquiesced in the views expressed by Maseres; also with the opinion of his own clerks upon the excellence of the proposed instructions to remedy "Mr. Murray's endeavours". On the other hand, he inclined toward establishing the proposed legal amendments by act of parliament rather than by prerogative proceeding.² To follow this former course would be an excellent move at a time when Richmond was about to produce his motion in the Lords.

This attitude, doubtless, was somewhat disconcerting to the opposition. Richmond, Bedford, Hardwicke, Rockingham, Yorke, and Dartmouth had now concerted their measures.³ On May 20, 1767, the Lords asked for papers on the state of Canada. The government complied. On the 27th the papers were laid before the House; and on June 2 a motion was carried to the effect that Canada was in need of some establishment of civil government. A motion of censure, however, was turned, apparently through the astuteness of the ministry. Moreover, the papers laid before the Lords did not include the detailed draught of instructions, but merely the short form of June 13, 1766, with its appended reports. Through an ambiguity in the wording of the request for papers, the ministry, either through carelessness or design, omitted the very draught of instructions which was to be discussed in Council two days later.⁴ The Lords were thus made aware of the general policy of the late ministry; but the effect was somewhat diminished by the absence of the detailed instrument of execution. As an attack on Northington and the

¹*Shelburne papers*, 64: 411: "Copy of a letter from Quebec, Sept. 30 [1766]".

²See *Shelburne papers*, 64: 500: pencil note by Shelburne:

"Duke of Richmond],

Govr Murray's constructns relative to Laws of Engld cause of all the trouble.

Report of June 13th in every respect adapted to settle the colony.

Why not apply to Parlt at this session."

This is an awkward and ambiguous note, but seems to fit here better than anywhere else.

³*Dartmouth papers*, 2274: Rockingham to Dartmouth, May 13, 1767. Newcastle "neither encouraged, nor dissuaded" Richmond in his motion. It is clear from a letter which he wrote to the Archbishop of Canterbury on May 17, 1767 (*Add. mss.*, 32982: 48) that he had not been following Canadian affairs, even when in office. He had not heard of the instructions "till the other Night, at My Lord Rockingham's. Mr. Charles Yorke explained the whole to me." He now thought Yorke's plan a good one. Mansfield, Newcastle says in the same letter, had declined to advise Richmond, but Bedford, Gower, Temple, and Lyttelton all favoured the proposed motion.

⁴*Journals of the House of Lords*, XXXI, 610-11, 620-21, 624, 628; Walpole, *Memoirs*, III, 33, 40; *Parliamentary history*, XVI, 361. The actual documents submitted are in the *House of Lords papers*, May 27, 1767.

government, the tactics of the opposition had hardly been successful. The crisis had been safely surmounted; and Grafton, nominal head of a disunited ministry, now began to seek support from sections of the opposition. He even intimated that Yorke might take the place which Northington was anxious to vacate.¹

Meanwhile Shelburne had laid the detailed draught of June 24 (without its subsequent amendments) before the Privy Council, presumably as his own programme—no very high recommendation, since Shelburne was already extremely unpopular with his colleagues. An important meeting, attended by Pownall and Murray, was held on May 29. Re-enter now Dr. Faustus. As the instructions were read Northington renewed with great force his previous objections. Both on the substantive and the adjectival side of the proposed legal amendments, the rain of criticism developed—in the North Carolina phrase—from a “right smart shower” to a “gully washer”. In general the objections were remarkably similar to those raised a year before at the chancellor’s house. Northington revived one or two of the technical amendments proposed at that meeting. He, or another, thought it improper for English judges to confer with French lawyers, and deplored the proposal to appoint Canadian justices. The prerogative power of the crown was again challenged, and doubt was raised whether the immediate repeal of the old ordinances was advisable. Finally, and with annihilating effect, Northington objected to “that part which directs the determinations to be made according to the local customs in force”.² Instead of putting “the future administration of justice in that country upon the best footing”, it appeared that the instructions left much to be desired for “the regulation of affairs at Quebec”. It devolved on Shelburne, as secretary for the Southern Department, to find a policy more in accord with the views of his colleagues.

Up to this point, as far as can be determined, Shelburne had been indifferent whether the legal system of Canada were reformed by prerogative action or by parliamentary bill. Now, however, he wrote to Carleton asking for full information on the laws of Quebec, “in order to form such a system as shall at once be

¹Walpole, *Memoirs*, III, 39.

²For criticisms raised at this meeting see *Acts of the Privy Council, Colonial series*, 1766-1783, § 33; *Shelburne papers*, 64: 459 at 461: “Notes of Proceedings relative to Canada”; *ibid.*, 85: 89: “Minutes of American business”. The latter document is printed in C. W. Alvord and C. E. Carter (eds.), *Illinois historical collections*, XI, 467-468; the editors have failed to assess the date, which is obviously on or immediately after May 29, 1767.

equitable & convenient, both for His Majesty's old and new subjects, in order to the whole being confirmed & finally established by authority of Parliament".¹ Prerogative proceeding was thus to be abandoned in favour of a parliamentary bill; and a parliamentary bill itself depended upon a pandect. The ministry was "much busied" upon the matter.² Northington, having delivered the *coup de grâce* to the instructions, had no intention of accepting further responsibility. "The formation of any plan", he informed Grafton, ". . . can never commence nor proceed through the office that I now enjoy." It needed first the "full sense of the king's servants" upon it, and secondly the "sanction of Parliament", so that "the measures may have the general support of government, and not be thrown, as they were last year, upon one person not in the least responsible for them".³ With this Parthian shot at Yorke, Northington prepared, happy in his victory, for a life more accommodating to his malady. It was William de Grey who made the final suggestion that "commissioners" should be procured "to collect and digest into something of a Code the usages and customs prevailing in Canada . . . with observations and strictures applicable to its new situation".⁴

The rest of the story is well known. On August 28, at a meeting of the Council, the instructions were finally rejected. It was decided to send out a messenger to bring back a report or reports to be made by Carleton and his Council, with the help of Hey and Maseres.⁵ This assignment fell to Maurice Morgann. When Morgann returned from Quebec, early in 1770, with the results of these investigations, Shelburne had long been out of office. But the instructions, whose rejection had caused Morgann's errand, had made one more appearance—in the Board of Trade report of July 10, 1769. The Earl of Hillsborough now carried out the functions of colonial secretary and president of the Board of Trade. Of the members of the Board three had signed the report of June 3, 1766. William de Grey was still attorney-general. Northington had retired into the country; and Charles Yorke, his vanquished opponent, restless in his villa at Highgate, was soon to make his last tragic peace with the powers in office and above.

¹Shortt and Doughty, *Documents*, I, 281: Shelburne to Carleton, June 20, 1767.

²Grafton, *Autobiography*, 170.

³*Ibid.*, 170-171: Northington to Grafton, August 9, 1767.

⁴*Shelburne papers*, 61: 701: de Grey to Shelburne, August 25, 1767.

⁵*Acts of the Privy Council, Colonial series, 1766-1783*, § 33. The papers arising from this inquiry are printed in W. P. M. Kennedy and G. Lanctôt (eds.), *Reports on the laws of Quebec 1767-1770* (Ottawa, 1931).

Without waiting for Morgann's return Hillsborough attempted to ignore the action taken by Shelburne; and the Board made a renewed effort to redress the grievances of those "brave and loyal" Canadians suffering under "a very imperfect, inadequate and defective constitution" under which they were "prescribed from every privilege, and denied every right". The lords commissioners entertained not "the least doubt" of the adequacy of the proposals made in 1766. They recommended that the instructions of June 24, with one or two of the technical objections rectified, should be despatched at once. No attempt was made to meet the political objections except in a recommendation that Carleton should be empowered to defer the execution of the instructions pending further examination in the light of the forthcoming reports.¹

This represented the last official appearance of the instructions. Twice almost successful, the attempt to reconstruct the legal system of Canada had occasioned the overthrow of one ministry; upon it had been fought a duel between two lords chancellors of England; its failure postponed for nearly a decade the solution of Canadian legal problems. Now, appended to this last report of the Board of Trade, the ill-fated instructions retired with it into the darkness and secrecy in which the Quebec Act was born.

R. A. HUMPHREYS

S. MORLEY SCOTT

TEXT OF THE DRAUGHT INSTRUCTIONS²

INSTRUCTIONS to our trusty and welbeloved the Honourable James Murray, Esq^r: our captain general and governor in chief in and over our Province of Quebec and the territories depending thereon in America; or to the commander in chief of our said province for the time being, GIVEN at

¹The pertinent parts of this report are printed in Shortt and Doughty, *Documents*, I, 377-393.

²The draught here printed is from the version in the *Shelburne papers*, 66: 59-76. It agrees, virtually *verbatim*, with two versions in *Add. mss.*, 32982: 6-15 and *Add. mss.*, 33030: 272-281 (*Newcastle papers*); with one in *Add. mss.*, 35914: 158-168 (*Hardwicke papers*, but not copied in Ottawa); and with one in the Public Record Office, *C.O.* 43: 1: 311 ff. Capitalization in the text and notes has been modernized. The *Dartmouth paper* (here abbreviated *D.p.*) copies differ in possessing marginal notes, as shown below. Yorke's copy, *Add. mss.*, 35914: 191-200 (here called *Y.*) contains some of these notes and additional ones by Yorke, here reproduced. The reference *Sh.p.*, 64: 461 is to Shelburne's list of "Objections . . . urg'd at Council" May 29, 1767; the reference *Sh.p.*, 85: 89 is to the objections as understood in 1767 by one of Shelburne's advisors. The reference *Acts*, 1767, is to the account of the meeting of May 29, 1767, in *Acts of the Privy Council, Colonial series*, 1766-1783, § 33. The references to Richmond and Hardwicke are to their accounts of the events of June and July, 1766, as reproduced in Albemarle, *Memoirs of Rockingham*, I, 350 ff.

WHEREAS it hath been found, upon a mature consideration in our Privy Council of the provisions made for the administration of justice both civil and criminal within our Province of Quebec, that not only the ordinances enacted and published by you for that purpose are in themselves inadequate and imperfect; but also that the mode of administering justice under them in a language unknown to the native inhabitants of our said Province, and upon principles inconsistent with their ancient usages and customs, hath created great uneasiness and discontent in the minds of our Canadian subjects there; AND WHEREAS it hath been further represented unto us, that our royal intentions, in respect to the form of government and judicature to be established in our Province of Quebec, have been misrepresented and misunderstood and that our said Canadian subjects have, in consequence of certain unreasonable and unwarrantable constructions put upon our royal Proclamation of the 7th October, 1763, been excluded not only from acting as jurors in the several courts, or being admitted to practise as barristers, attorneys and proctors therein, but also from any share in the administration of those judicatures, by which their lives and properties are to be decided upon; in order therefore that our said subjects may have the compleatest satisfaction in a matter so essential to their interest and welfare, and may see that it is our royal intention not to govern them with the rough hand of a conqueror, but in the true spirit of a lawful sovereign, by making such provision for the due and impartial administration of justice, as at the same time that it extends to all our subjects in general the protection and benefit of the British laws and constitution, in all cases where their lives and liberties are concerned, shall not operate to take away from the native inhabitants the benefit of their own laws and customs, in cases where titles to land and the modes of descent, alienation, and settlement are in question, nor to preclude them from that share in the administration of judicature, which both in reason and justice they are intitled to in common with the rest of our subjects;* IT IS OUR ROYAL WILL and PLEASURE, that all and every the ordinances enacted and published by you for the establishment of judicature, courts, offices and officers, be and they are hereby abrogated and repealed;*¹ and IT IS OUR

¹*D.p.*, 2250 and *D.p.*, 2251 propose in the margin the omission of the words here between asterisks. So also the *D.p.*, loose memorandum; *Y.*; *Sh.p.*, 64:461; *Sh.p.*, 85:89; and *Acts*, 1767. A little further on *D.p.*, 2250 proposes, still in the margin, to substitute "Frame and prepare" for "Frame and enact". The note adds "the ordinances to be sent over for approbation before put in force unless manifest inconvenience induce the contrary.—These ordinances and all others to be framed in French and English" and later "reserving a power to the gov. and Council to make such variations as shall from circumstances & situation appear to be absolutely necessary". The intention of these suggestions is found also in *Sh.p.*, 85:89; *Sh.p.*, 64:461; *D.p.*, loose memorandum; and *Acts*, 1767. *Y.* is altered to read "framed and published in French" etc.

FURTHER WILL AND PLEASURE, that you do, with the advice of our council and of our chief justice and attorney general of our said province, frame and enact with all convenient dispatch such other ordinance or ordinances as shall be necessary and expedient for the establishment of courts of judicature upon such plan, and for directing the administration of justice upon such principles, as we have thought fit, with the advice of our Privy Council, to approve for our said Province of Quebec, and which we do hereby declare and appoint to be, as follows; THAT is to say,

FIRST, A court of chancery for the hearing and determining all such cases and questions, as by the laws of this kingdom are cognizable in a court of equity; In this court the governor or commander in chief of our said province, assisted by the members of Council is to sit and preside, and have jurisdiction, not only as a judge in equity to give relief originally in that capacity, but also as a judge in error to review in the second instance the judgements of the courts of common law in those cases, where, by the tenor of our royal instructions to you, appeals are allowed of.¹

SECONDLY, A superior court of judicature uniting in itself those powers, jurisdictions and authorities in criminal as well in civil cases, which are incident to the courts of king's bench, common pleas, and exchequer in Westminster Hall; In this court the chief justice appointed by us is to preside, assisted by three puisne judges, conversant in the French Language, and whose duty it will be, in all cases of doubt and difficulty relative to the ancient laws and customs of Canada in matters of property, to confer with the Canadian lawyers most respected for learning, integrity and conduct.²

¹These two courts already existed, though Yorke seems not to have been aware of the fact. The unidentified commentator in *D.p.*, 2251 objects to appeals to the governor and Council: "This wd. authorize him to controul the verdicts of juries, if left in this extent—If it was confined only to review the form of the judgment & [illegible] I should think it useless and dangerous 1 bec: the govr & Council cant understand the forms of law so well as the courts of law. 2ly all attention to forms & subtleties shd in such an institution, of colony govt if not every where be discouraged." This comment is repeated in the margin of *D.p.*, 2252; it is brushed aside in *Sh.p.*, 85:89. No objection to the clause is recorded in *Acts*, 1767, but Richmond states that Northington objected to appeals in this manner. "He said they should be to the king in Council in England." The manner laid down in the instruction was that customary in royal colonies.

²This clause aroused a good deal of comment, on three points. First, had the crown power to erect such courts? Richmond says that Northington thought not, and the objection is reflected in *D.p.*, loose memorandum; *Sh.p.*, 64:461; and *Acts*, 1767. The second point concerned Canadian assessors. *Sh.p.*, 64:461 reads "confer with best lawyers in Canada absurd"; *Sh.p.*, 85:89: "Instead of referring the [blank in original] to Canadian lawyers &c should not some method be found to establish the customs of Canada either by jury, or other means." *Sh.p.*, 64:276 inquires "Who are to be the 3 p. judges. The effect of their voices dissentient from the C.J." and as to assessors: "for what?" Thirdly, it is pointed out that the clause as written gave the proposed

THIRDLY, Circuit courts of assize, nisi prius, oyer and terminer and goal delivery to be held by the chief justice and assistant judges, jointly or severally, twice in the year, (or oftener, if thereunto required by special commission from our governor,) at the towns of Montreal and Trois Rivières, in like manner and with the like authorities used and exercised in respect to the circuit courts and courts of nisi prius and assize in this kingdom,¹ and under the like regulations in respect to the judges continuance a certain number of days in each town or place, as is prescribed in the case of the circuit courts established for Scotland by the statute of the 20th of George the Second chap: 43. sect: 31.²

FOURTHLY, Commissions of the peace in the form of those issued in this kingdom, and comprehensive of those jurisdictions and authorities vested in the justices of the peace here, so far as the said authorities apply to the situation and circumstances of our Province of Quebec; by which said commissions the justices thereby appointed shall have authority, in their general or petty sessions, finally to determine in all cases of property, where the title to lands is not in question, and where the value of the matter in dispute does not exceed forty shillings; and as to all petty suits, where the title to lands is not in question, and where the value of the matter in dispute exceeds forty shillings, and is under ten pounds,³ we will and require, that the same be heard and determined upon, either before the judges of the superior court at Quebec,

court such equitable jurisdiction as the Court of Exchequer at Westminster possessed. *D.p.*, 2250 therefore proposes in the margin "proceeding as courts of common law" which is followed in the margins of *D.p.*, 2251 and *Y.* "A doubt was made" on this point in *Acts*, 1767.

¹It was generally agreed amongst the commentators that the circuit courts must not be given jurisdiction and procedure parallel to that of circuit courts in England. *D.p.*, 2250 proposes in the margin that the comparison be with "courts of grand session, similar to those used and held within our principality of Wales." *D.p.*, 2252 substitutes this reading in the body of the text. *Sh.p.*, 85:89 accepts it. *Sh.p.*, 64:461 acknowledges it. The *D.p.*, loose memorandum inquires "Wr the circuit courts shd be constituted like the courts of great session in Wales, with complete powers of judicature or whether they should be constituted as in England, and in some of the greater colonies in N. America, as in Virginia & North Carolina". *Acts*, 1767, recounts that Northington objected "to the giving the court of nisi prius the same powers as are exercised by that court in England". Cf. the Board of Trade report of July 10, 1769. For the Welsh courts see the first report of the common law commissioners (*Parl. papers*, 1829 [46] ix). The procedure in those courts was thought by many to be more expeditious and cheaper than in the English courts. Their jurisdiction was very extensive, but had been invaded by that of the King's Bench.

The unidentified contributor to *D.p.*, 2251 proposes at this point: "If this stands I think it shd be explained & provision be made, that this court shd have a summary jurisdiction; That the plf shd serve the deft with a docu so long before the coming of the court that the deft. shd plead wn 2 ds & if plf joined issue a jury shd be immtly returned & judgment."

²That is, semi-annual assizes, each sitting to be not less than six days.

³This clause would have lessened the magistrates' power but it still left them more potent than were English justices. The point is noted as an objection in *Sh.p.*, 64:461; and as a fact in *Acts*, 1767.

or in the circuit courts of Trois Rivières and Montreal, by proceeding in the nature of the civil bill in Ireland,¹ or of the summary bench actions in our Island of Barbados.

FIFTHLY, That all proceedings in cases of a capital nature,² and in misprision of treason and felony, be grounded upon indictment or presentment of a grand jury, impartially returned by the sheriffs herein after mentioned according to the usage and practice of this our kingdom; and that all proceedings in case of misdemeanour be in like manner grounded, either on the indictment or presentment of such grand jury, or upon an information exhibited by our attorney general, as the nature of the case shall require.

SIXTHLY, That all trials in the superior court of judicature and circuit courts, and in all cases where the justices of peace in their general sessions have jurisdiction in criminal matters, be by juries, conformable to the ancient custom and usage of this our kingdom of Great Britain; on which juries our Canadian subjects are to be impaneled indiscriminately with our natural-born subjects, conformable to what we have already directed in that respect by an additional instruction to you dated the day of excepting only, that in all criminal cases, where the person charged is a Canadian, we will and require, that, in such case, the jury upon the tryal shall be wholly composed of Canadians, and in cases where a natural born subject stands charged, the juries in such case shall be wholly composed of natural-born subjects.³

SEVENTHLY, And whereas we have already thought fit, by our aforementioned additional instruction to you, to direct and require, that

¹See the Irish statute 2 Geo. I, c. 11. Roughly this meant that the judge would determine summarily without a jury (unless he himself wished one); execution would be against personal, not real property; counsel would be unnecessary and fees limited. It is interesting to compare these proposals with the terms of the Quebec ordinance of Feb. 1, 1770 (Shortt and Doughty, *Documents*, I, 401-416). Cf. *Add. mss.*, 35915:273: "Method of proceeding in bench actions in the Island of Barbadoes".

²For "capital nature" the margin of *D.p.*, 2250 and the texts of *D.p.*, 2251 and 2252 read "treason and felony".

³The comments on juries are somewhat complicated. Originally no provision had been made for racial distinctions in juries. The additional instruction of Feb. 24, 1766 (referred to in this clause without date), directed that in civil cases Canadian juries should be used in suits between Canadians, English juries in suits between English parties, while in mixed suits the juries should be equally divided. For the text of this instruction see Public Archives of Canada, *Commissions, grants, etc., 1765-1777* (formerly *M*, 655); cf. provincial ordinance of July 1, 1766 (Shortt and Doughty, *Documents*, 249-250). The present instruction proposes that in criminal cases the jury be the nationality of the person tried. We are told in *Acts*, 1767 (reflected in *Sh.p.*, 64:461) that Northington "objected to this manner of tryal". The marginal note on *D.p.*, 2250 proposes that all criminal juries should be equally divided, except in trials for wilfully murdering a person of the same nationality, where the jury should be of that nationality. *V.* repeats this suggestion, and it persists through the Board of Trade report of July 10, 1769. Although the wording is ambiguous it seems likely that this whole clause is supposed to be applied only to criminal cases, otherwise it would conflict with clause nine.

our Canadian subjects, qualified as is therein expressed, should be admitted to practise as advocates, attorneys, and proctors, in the several courts within our said Province of Quebec; IT IS OUR FURTHER WILL AND PLEASURE, that our said Canadian subjects, having first taken an oath of allegiance and fidelity in such form as shall be consistent with their religious persuasions, be in like manner admitted, indiscriminately with the rest of our subjects, not only into the commissions of the peace, but also to the execution of all such offices, functions and duties, (those of judges in the superior and circuit courts only excepted,) as are incident to the several courts and constitutions herein before directed and appointed.¹

EIGHTHLY, And in order to render the said courts and constitutions more effectual and compleat, and to facilitate such other regulations as may be hereafter expedient in general government; IT IS OUR WILL AND PLEASURE, that our said Province of Quebec should be divided into three counties, as near as may be conformable to the ancient division of this country under the French government; that the towns of Quebec, Montreal, and Trois Rivières be each respectively the capital of each county; and that a sheriff be annually named for each county by you or the commander in chief of the said province for the time being, with the like authorities and powers, and under the like securities and restrictions appertaining to that office in this our Kingdom of Great Britain; but if it shall so happen, that each or any of the said counties shall not in their present state be able to furnish, in annual rotation, persons properly qualified for this office, in such case we will and require, that one and the same person may be appointed sheriff for the whole province at large, himself officiating in person in any one of the said three counties, and acting by deputy in the other two.²

NINTHLY, And to the end that our royal will and intention, so fully expressed in the former part of these our instructions to you, in respect to the principles upon which justice is to be administered in

¹This clause extended further than anything yet proposed in making Roman Catholics eligible as sheriffs, magistrates, etc. This was one of Northington's chief objections to the instructions. "He doubted", says Albemarle, "whether the crown could give that power to Roman Catholics, and whether penal laws did not extend to Canada." *Acts*, 1767, shows that Northington still entertained this objection a year later; it was ordered that a search be made for law officers' opinions on the matter. The *D.p.* loose memorandum upholds the right to make such appointments. In fact, the law officers (Norton and de Grey) had returned such an opinion on June 10, 1765 (Shortt and Doughty, *Documents*, I, 236), but it had apparently been forgotten.

²This clause is a reversal of Murray's deliberate policy. He had thought three districts too many and had abolished the middle one. At the moment there was an absentee provost marshal ("ministerial sheriff", Northington called him) for the whole province, with deputies in either district. *Acts*, 1767 (reflected in *Sh.p.*, 64:461), shows that Northington "objected to the great powers vested by law in sheriffs and apprehended that in some cases their power might clash with that of the governors".

the several courts herein before established, may be fully and compleatly answered; and our Canadian subjects secured in the enjoyment of the benefit of all those local customs, which are in their own nature indifferent and which have been received as rules of property, or have obtained the force of law in this ancient and long-settled colony; we do therefore direct and ordain, that the several judges, who are or may be hereafter appointed to preside and sit within the several courts both of equity and common law within our Province of Quebec, do model, and direct their conduct by the following general rules and maxims; that is to say;

That in all personal actions grounded upon debts, promises, contracts, and agreements, whether of a mercantile or other nature, and also upon wrongs proper to be compensated in damages, they do pursue and adhere to those substantial maxims of law, which do invariably in all places govern and prevail in such cases; for, although the modes of proceeding and trial, and perhaps in some degree also the strict rules of evidence may in some respects vary; yet, so long as the general maxims and principles are the same, the judges cannot, in adhering to those maxims, materially err, either against the laws of England, or against the ancient customs of Canada.

That in all suits and actions relating to titles of land, and the descent, alienation, settlements and incumbrances of real property, and also in the distribution of personal property in cases of intestacy, and the mode of assigning and conveying it, they do govern themselves in their proceedings, judgment, and decision by the local customs and usages, which have heretofore prevailed and governed within that province, using and applying the said usages and customs to the causes coming before them, in like manner as the customs and usages of Normandy are applied in causes from Jersey brought before the lords of our Privy Council.¹

That, in all criminal cases, whether they be capital offences, misprisions, or misdemeanors, the laws of England, so far as they do apply to the peculiar situation and circumstances of our Province of Quebec, be adopted, as well in the description and quality of the offence itself, as in the manner of proceeding, to charge the party to bail, or detain him, to arraign, try, convict and condemn him, and that in the ordinance or ordinances, which shall be made and enacted by you for the establishment of the courts of judicature, provision be made for these purposes respecting the criminal law of our said province, anything in our general instructions to the contrary hereof in any wise notwithstanding.

TENTHLY, And whereas it was, from a just sense of the lenity

¹Northington objected "to that part which directs the determinations to be made according to the local custom in force" (*Acts*, 1767).

and certainty of the administration of justice in this kingdom in matters affecting the life and liberty of the subject, that we were induced to extend to our Canadian subjects by our royal Proclamation of the 7 of October 1763, the benefits of this constitution, not intending thereby to abrogate the laws and customs of Canada in matters of tenure, or the succession and alienation of real and personal estates; IT IS THEREFORE OUR WILL AND PLEASURE, that you do, as soon as conveniently may be, issue a proclamation in our name, explanatory of this our royal intention, in order to quiet the minds of our good subjects in respect to their local customs and usages, more especially in titles to land and cases of real property.

ELEVENTHLY, And whereas it will be highly necessary and expedient, that the rules of process and the practice of the courts herein before directed to be established should be ascertained and promulged by proper authority; IT IS THEREFORE OUR WILL AND PLEASURE, that the chief justice of our said province do, with the assistance of the other judges, and of the attorney general of our Province of Quebec, forthwith consider and prepare such a plan for this purpose, as shall be best adapted to the jurisdiction of the different courts, and the convenience of the suitors, seriously reflecting of how great importance it is, that the forms of proceeding should be as simple, easy and summary, as may consist with the advancement of right, and the protection of innocence; AND IT IS OUR FURTHER WILL AND PLEASURE, that, when the said plan shall have been so formed, in the doing of which it will be the duty of our chief justice to proceed with the greatest care and circumspection, it be enacted into a law by an ordinance of our governor and council, and such ordinance transmitted to us in the accustomed manner for our royal approbation.¹

¹A note at the end of Y. reads "a clause to be added for preparing & transmitting over a coutumier of Canada (as this law & usage of the province stood at the conquest) together with the new draughts of ordinances directed by this instruction". Hardwicke shows that this was Northington's notion. It is also suggested in the *D.p.* loose memorandum, in the anonymous opinion in *D.p.*, 2354, and in *Add. mss.*, 35914:158.

Y. is endorsed in Yorke's hand: "N.B. This drt. prepared upon my report (with several additions inserted or proposed to be inserted by my advice & direction). It was drawn by Mr. Pownall, & altered by me, in some places. N.B. The report & drt. of instrns. were laid upon the table of the H. of Lds. (by order of the House) Apr. or May, 1767." *Sh.p.* is endorsed by Shelburne: "This draught rec'd from Mr. Pownall, the report in form not being rec'd."

REVIEWS OF BOOKS

The Works of Samuel de Champlain. Volume III. 1615-1618. Edited by H. P. BIGGAR. Translated and edited by H. H. LANGTON and W. F. GANONG. The French texts collated by J. HOME CAMERON. Volume IV. 1618-1620. Edited by H. P. BIGGAR. Translated by H. H. LANGTON. The French text collated by J. HOME CAMERON. Toronto: The Champlain Society. 1929 and 1932. Pp. xv, 418; xvi, 373.

THE publication of the first two volumes of the works of Samuel de Champlain by the Champlain Society in 1922 and 1925 was everywhere regarded by historians as an undertaking of first-class importance and as a tribute to Canadian scholarship. They were prepared with the greatest care under the general editorship of Dr. H. P. Biggar, the able representative of the Public Archives of Canada in London and Paris, whose original contributions to our knowledge of early discovery in America have established his pre-eminence in this sphere of historical research. So great was the gratification and appreciation expressed by historians that the appearance of the two succeeding volumes has been awaited with marked interest. The first of these, volume III, was issued in 1929, and the second, volume IV, in 1932. They are of the same high quality as those which preceded them.

In order that the plan of the work may be understood, the contents of volumes I and II may here be recapitulated, before those of the volumes now under review are mentioned. Volume I contains Champlain's brief narrative of his observations in the West Indies, 1599-1601; his work on the savages, 1603; and book one of the voyages, 1604-1607. Volume II contains the second book of the voyages to the great River St. Lawrence, 1608-1612; the fourth voyage; and six contemporary documents relating to Champlain's career between 1610 and 1618. In volume III we find the very rare edition of 1619, entitled, "Voyages and discoveries, 1615-1618", newly translated by Mr. H. H. Langton; and, also, books I and II of part I of the voyages (edition of 1632). The latter are a kind of résumé of part I of the 1613 edition, which was translated by Dr. Ganong for volume I, this translation being herein reprinted, and Dr. Ganong's notes being used. In volume IV is reproduced the third and fourth books of part I of the edition of 1632, being a somewhat abridged résumé of the material already published in volumes II and III. There is, also, a short appendix giving an addition to Champlain's marriage contract of 1619, discovered in Paris by M. de Cathelineau, and now published for the first time.

As an essential preliminary to the translation of works which appeared in different editions is the collation of the various texts. It is gratifying to know that this arduous task has been most efficiently performed by a Canadian authority on the French language of the seventeenth century, Mr. J. Home Cameron. He has made a most thorough

study of the various editions, noting the variant readings, ascertaining the earliest forms of the text, and making notes of the differences found. The translations printed in these volumes have been made by the eminent scholars, Dr. Ganong and Mr. Langton, whose names are a guarantee of thorough workmanship. Their notes and those of Dr. Biggar are of the greatest service to the reader in his understanding of the text. Minor errors can scarcely be avoided in a publication of this character, but few, indeed, have been detected. Dr. Biggar, in a note on page ix of volume III, calls attention to certain mistakes in dates in volume II, which had been quoted from Laverdière, and had been discovered after publication. In Plate III of volume III, three of the Indian costumes seem to be those of Nipissings, who were Algonkians and not Hurons as stated in the table of contents. Only one, lettered D, is that of a Huron in winter costume.

Our admiration of Champlain is increased by a study of these volumes. When those which are to follow shall appear, the entire series will form a worthy memorial of his life and deeds, and it is most fitting that this should be the work of Canadians. In the long list of pioneer explorers and adventurers in the New World since its discovery by Europeans, there have been many able and daring men, who have, by their remarkable deeds, gained an undying fame. It is doubtful if any one of these, no matter how spectacular his career may have been, has a greater claim to distinction than Champlain. Though trained as a soldier, his military exploits in Canada were singularly free from ruthless exploitation and destruction of the native races among whom he spent so many years. His constant aim was to establish friendly relations with these inhabitants of New France, and to encourage missionary efforts among them. His policy, through his entire career in Canada, was that of a statesman. He strove to establish French civilization on the banks of the St. Lawrence, and, in this effort, displayed marked courage, steadfastness, liberality of spirit, and infinite patience. Trained as a mariner, he undertook many voyages with skill and daring. In his explorations he was a keen and accurate observer of natural conditions, and of the habits and customs of native races. As an expert cartographer he holds high rank among those who contributed to the geographical knowledge of the New World in the seventeenth and eighteenth centuries. With all these endowments he was gifted with the power of descriptive writing, and the volumes which are now being reproduced by the Champlain Society give ample evidence of his achievements as an author. When these shall have appeared in their completed form, the real greatness of the author may be truly appraised. As this edition is the only one in which all his writings are presented in the English language, the opportunity is afforded Canadian readers, who are not of Champlain's race, of arriving at a more complete knowledge of his remarkable career than they have had in the past; and when they shall have truly appraised his life's work they will, perforce, join with their French compatriots in acclaiming him, the real founder of Canada, as worthy of high rank among the immortals.

J. C. WEBSTER

Jean de Poutrincourt, fondateur de Port-Royal en Acadie, vice-roi du Canada, 1557-1615; campagnes, voyages et aventures d'un colonisateur sous Henri IV. Par ADRIEN HUGUET. (Mémoires de la Société des Antiquaires de Picardie.) Amiens: Musée de Picardie, Imprimerie Yvert et Cie; Paris: A. Picard, libraire-éditeur, 82, rue Bonaparte; aussi chez l'auteur, 3, place Saint-Pierre, Saint-Valéry-sur-Somme. 1932. Pp. 565. (45 fr.)

THESE 565 pages, in large, clear type, will add materially to our knowledge concerning that earliest colonizer of Acadia, one whose sterling qualities and earnestness of purpose make him well worthy of our close study and warm admiration. M. Adrien Huguët, a resident of the "Pays de Vimeu", on the seashore of Picardy facing the English Channel, where Poutrincourt was born and spent his early years, was excellently endowed and situated to throw new light on these even now little known beginnings of French colonial history. Acadia, from the beginning a bone of contention among a host of competitors—whether French, English, Yankee, or Scottish; Catholic or Protestant; Ultramontane or Gallican; Récollet, Jesuit, or Capuchin; fur-trader, fisherman, or colonizer—has come down to us in the writings of many an historian championing one or the other of various interests or factions. The latest of these to appear in print, M. Huguët, stands out as an unfailing admirer and stout panegyrist of his countrymen, the Poutrincourts, father and son; though, at the same time, in comparison with most others who have entered the lists, showing more moderation, less partiality to his wards, and less prejudice towards the latters' rivals.

Very aptly the book opens on a *de visu* description of the Château de Poutrincourt and its surroundings, in the immediate vicinity of St. Valéry, at the estuary of the River Somme. M. Huguët has brought to light a good deal of interesting first-hand information about this locality which was the point of embarkation for William the Conqueror's expedition against England.

At the beginning, the author puts his readers on solid ground as regards Poutrincourt's family connections, which have been the occasion for a good deal of confusion at the hands of historians; a confusion which may be explained, though not wholly excused, on the ground of the frequent recurrence of the same christian name in direct and collateral lines of parentage. Thus has an imaginary Jean de Biencourt, a supposed son of the baron, been foisted on the annals of Acadia, while at the same time an authentic Jacques de Biencourt, second son of the elder Jean, wounded, though not mortally, at the siege of Méry-sur-Seine, was prematurely shifted into oblivion.

Some early biographers have represented Poutrincourt as a life-long partisan of Henry the Fourth in his struggle for supremacy over the League and the extreme Catholics. M. Huguët corrects this misapprehension. Poutrincourt, as he shows, was at the start and for many years a staunch supporter of the League as against the Huguenot pretender. It was not until the latter, after conquering or rallying the greater part of the kingdom, laid siege before Paris and formally renounced heresy, that Poutrincourt, concerned with the safety and possessions of his own people, swayed to the side of the Bourbon.

On the whole, this book, replete as it is with the fruits of fresh and original research, is, besides, highly suggestive of a mode of approach to some of the obscurer phases or characters of Canadian history; a method which possibly heretofore has not been fully taken advantage of. I mean, adequately enlisting, whenever and wherever available, the goodwill and co-operation of the local student, enthusiast, and erudite in the various provinces and countrysides of France, whose archives and vaults still have in store a wealth of documentary evidence relating to Canada's early development.

LÉON GÉRIN

Le témoignage de Marie de l'Incarnation, Ursuline de Tours et de Québec. Edited by Dom ALBERT JAMET. Paris: Chez Gabriel Beauchesne, Éditeur. 1932. Pp. xiii, 350. (30 frs.)

The Life of Venerable Marguerite Bourgeoys, Foundress of the Congrégation de Notre Dame of Montreal. New York: P. J. Kennedy and Sons. 1932. Pp. xiii, 231.

By an interesting coincidence these volumes appeared at the same time. As that on Marguerite Bourgeoys gives a delightful sketch of the life of Jeanne Leber, one is brought face to face with three of the most arresting personalities of the early days of New France. All three were members of religious houses; two of them were mystics—but what a contrast between the gentle Jeanne Leber in her cell at Ville Marie, apparently oblivious of the great world without, and Marie de l'Incarnation who, from her Ursuline home in Tours, and, later from her convent in Québec, was an interested spectator of the great events of a world with which she seemed to have but little in common.

Le témoignage de Marie de l'Incarnation is not a biography; neither is it a history nor yet an anthology from the "Relations" of the great Ursuline contemplative. There is a sequence in it that would not appear in a collection of fragments culled from the writings of one or several writers. It is a sort of literary mosaic the particles of which have been taken from the "Relations" of 1633 and 1654. The word "témoignage", used in the title, suggests, perhaps better than any other, just what the volume is. For, indeed, it is a witness, a testimony of the great intellectual powers of Marie de l'Incarnation, of her fine literary tastes, of her wonderful spiritual experiences, and of her deep insight into the affairs of the world about her. As such, too, like an old monastic chronicle, written by one who did not think himself an historian, it bears witness to a long succession of events that took place both in the Old and in the New World over a period of half a century.

Those who are interested in the extraordinary writings of Marie de l'Incarnation are fortunate in that Dom Jamet has undertaken to publish this sort of compendium of them. Over two years ago, he gave to the public two substantial volumes of her *Écrits spirituels*. Four more are to follow. The volume under review will suffice to give the average student such knowledge of the "Relations" as will enable him to form an adequate idea of the whole. The notes, commentaries, and letters will help him to understand the place occupied among the women of history by this "Theresa of Canada", as she has been styled . . . this

woman of whom the Abbé Bermond says that "she was one of the most sublime contemplatives of the Church".

It is safe to predict that this book will be read by as wide a range of readers as the reasons for which they will read it are varied. Some will read it for its literary values; others for its spiritual doctrine; others still for its historical data.

If *The Life of Marguerite Bourgeoys* adds little to our knowledge, it makes rare good use of the material which it employed. The style is easy and readable. There is enough evidence of careful research to make the book acceptable to those who are concerned with accurate data in historical writings. In addition, it faithfully portrays the strong religious, social, and educational traits of the life of this remarkable woman. As a consequence of these characteristics, this biography should appeal to a much wider range of readers than books of a semi-religious type usually do. This is but as it should be, when one considers that the foundress of the congregation of Notre Dame of Montreal, without in any way departing from the manner of religious life that she had evolved for herself and the members of her congregation, was, in every sense of the word, a woman of her own century and surroundings. There were no important problems of church or state in the striving colony of the New France of the latter half of the seventeenth century with which the name of Marguerite Bourgeoys could not be linked.

The author has brought out, perhaps better than had already been done, the all-embracing nature of the educational scheme of this daughter of Old France. If that scheme has but recently been carried to its logical conclusion by her order in the matter of university colleges for women, there need be little wonder. But, apart from that phase of development, there is scarcely a type of institution that concerns itself with the education of girls and women that does not owe its origin, in Montreal, at least, to the far-seeing initiative and dauntless courage of Marguerite Bourgeoys. Indian schools, free primary schools, industrial schools, courses in household science, boarding academies for the daughters of the wealthy, normal schools for the training of women teachers for the smaller schools in the more remote districts—all can be traced, without difficulty, to the efforts of a stout-hearted woman, who lived at a time when dread of the redskin and constant fear of the horrible spectre of famine seemed to conspire to make people forget to provide for the better and higher things of life.

The story of how the foundress successfully resisted the efforts of two successive bishops of Quebec, Laval and Saint-Valier, to amalgamate her congregation with that of the Ursulines bears sufficient witness to her strength of character and her keen insight into the educational requirements of a new colony, where, in its social activities and usefulness, a cloistered order would of necessity have been seriously hampered.

Finally, one is impressed with the excellent use made by the author of the best available sources: Dollier de Casson, Faillon, DeMontgolfier, Ransonnet, Sausseret. Some readers will regret the rather noticeable absence of direct references to these sources, as they would be of un-

doubted value to the student of that period of history. However, in view of the general excellence of the work, these shortcomings, as well as two or three inaccuracies in dates, and the occasional expression that hardly renders the exact meaning of the French document from which it was taken, can easily enough be overlooked.

Brother MEMORIAN

L'enseignement français au Canada. Par l'Abbé LIONEL GROULX.

Volume I—*Dans le Québec.* (Éditions Albert Levesque.) Montreal: Librairie d'Action Canadienne-Française. 1931. Pp. 327. (\$1.50)

THE first thing which strikes the reviewer about this book of the Abbé Groulx is that it is extremely well written and interesting. Most books on education are dull; this is written in a style which is quick and clear and living; yet well documented; and with a burning conviction glowing through the almost invariable moderation of statement. The author writes throughout as a priest and an ultramontane. For him the confessional school is the only good school. Catholic and French are to him almost identical terms. But for all the intrinsigence of his convictions he writes as a scholar and a gentleman.

The first chapter deals with education in Quebec before the conquest and piles up details in the endeavour to show that even on its lay side it was by no means so negligible as has usually been stated. Five chapters follow on the struggle between French and English up to 1840, and show how closely education, religion, and politics were intertwined. The author brings out in very moving detail the sad state of the habitants, deprived after 1763 of their natural leaders, viewed unsympathetically by the British government and the ruling oligarchy, unable during much of the time to bring out priests or teachers from France, and with very scanty means for training them in Canada. At times the writer falls into inconsistency. On page 115 he speaks of "the extraordinary fidelity of a little people to the life of the spirit", and five pages later of the "popular apathy" to all education. But the inconsistency is more apparent than real, for the first words refer to 1764 and the second to 1789; and he shows very strikingly the progressive decay of education among the habitants, war-worn, ravaged, almost penniless, broken in spirit, till the first real efforts at revival began about 1820-30. Constant praise is given to the attempts of the clergy to impart such education as was possible, when money, text-books, and trained teachers were alike wanting. The stupid and futile attempts to anglicise and anglicanise, the failure of the pretentious Royal Institution, are told with bitter humour. Perhaps the author is a little apt to see a conspiracy against his race when in the Colonial Office at least there was only idleness and routine.

Two long chapters bring the story from 1841 to the present day. Of these the last is especially interesting. It is in part a tale of pride in magnificent expansion. In its treatment of the Protestant minority since 1867, as says with truth, Quebec offers a shining example to the rest of the world. The growth of its schools, primary, secondary, technical, its fidelity in the Colleges Classiques to the classical discipline, its two universities, each with thousands of students, show the progress

which has been made. Yet he ends on a note almost of gloom. The state will not let the church do its appointed work. The government insists on interfering with the Catholic Committee of Education, on which the bishops make up half the number of the members. For Quebec, says the Abbé Groulx with much plausibility, a certain provincialism is necessary if she is to make her real cultural contribution to the dominion; but a desire to play their part in a unitary rather than in a federal Canada is tending to make the youth of Quebec study English till they are in danger of becoming only an inferior and imitative species of English or rather of American, untrue to their own culture and with no roots in that which they have acquired. The desire to imitate the Americans; the desire for economic success rather than for culture and the things of the spirit are sweeping away the old landmarks. The spirit which has held them together since the conquest, which has guided their growth from a handful of 65,000 war-worn habitants to a proud province of 3,000,000 shows signs of breaking down at last. It is a very frank chapter, and shows clearly the doubts and difficulties of the Catholic clergy, even in the midst of apparent success.

W. L. GRANT

Histoire de la marine française. By CHARLES de LA RONCIÈRE. Tome VI: *Le crépuscule du grand règne. L'apogée de la guerre de course*, comprenant un avertissement et trois parties. Paris: Plon. 1932. Pp. cv, 603.

IN this sixth volume of his *Histoire de la marine française* M. de la Roncière has quite lived up to his reputation. That a man of his learning, who has carried on his researches in almost all the archives of western Europe, has been able to treat his subject with extraordinary mastery is to be easily appreciated. His erudition would, however, only have produced an amorphous mass if it had not been directed by an organizing intellect and a mind that is objective in a high degree. Therein lies his great success. For forty years M. de la Roncière has worked on his subject, and three times already the Institute has honoured him in crowning previous volumes of this work. The author has confined himself strictly to a consideration of the French navy, co-ordinating facts that are based on the documents. He is only incidentally concerned with commercial navigation and he has even neglected the industry of ship-building, which he had, it is true, dealt with largely in volume V. The work is an objective history of the French navy with little digression into political, economic, or ethical questions. There are no arguments, no defences, systems, or doctrines. It is a vivid account by a keen writer, a clear narrator. He is able to compass at a glance the situation, the circumstances, and the chief motivating forces of events. Men and incidents are sketched in lightly with a sparing stroke of the pen; nevertheless the motives of men and of states, as well as laws and political principals, are not totally neglected. The author has been able to utilize documents of every character: from the public archives of France, England, Spain, Holland, and Italy; family papers; separate foreign monographs, newspapers, diaries, and numerous lesser works of every description. The reader will find the greatest exactness in dates, in the

listing of ships, armaments, and men; the facts are set forth briefly and clearly. Every detail has been cleverly put in its proper place for the author has a keen understanding and a feeling of synthesis.

Canadians and others interested in colonial history will find the historian a little brief in what concerns the rôle of the navy in the French colonies. It is a question of the point of view and the author would reply that he was not writing a colonial history. Nothing essential, however, is omitted. The chapters which deal with colonial wars cover India, West Africa, the Antilles, the Pacific Ocean, China, the Indian Ocean, and New France. With relation to New France, the author recounts the adventure of Phipps at Quebec, the exploits of Le Moyne d'Iberville at Hudson Bay, at Newfoundland, and at the Antilles, the attack of Commodore Williams at Newfoundland, the operations of John Norris and of Rear-Admiral Graydon, the taking of Acadia and the defeat of Hovenden Walker at Quebec, *etc.* Even the capture of the *Seyne* off the Azores is told with curious details. It was on board that ship that Mgr de Saint Valier, going to take possession of his episcopal see in Canada, was made prisoner.

EDMOND BURON

Ireland and Irish Emigration to the New World from 1815 to the Famine.

By WILLIAM FORBES ADAMS. New Haven: Yale University Press; London: Humphrey Milford. 1932. Pp. vii, 444. (\$4.00)

THIS minute analysis of the causes and conditions of Irish emigration, 1815-45, offers a re-examination of the archival and other materials used by earlier students of emigration and also surveys for the first time manuscript and newspaper sources available only in Ireland. Such new material, backed by an intensive study of Irish life, has enabled Professor Adams to make a praiseworthy contribution to the history of an ever popular subject, the Irish in Ireland and America.

Beginning with a review of Ireland in 1815, the study proceeds through five chapters—the emigrant trade, the seven lean years, 1819-26, large-scale emigration, paving the way for the great emigrations of 1836-45, government policy—to a conclusion, avowedly more or less hypothetical, on the fruits of emigration. The book combines some of the virtues of Wakefield's old *Account* with those of O'Brien's more modern *Economic history* and Gill's *Irish linen industry*. But it will not be easy for the Canadian student to pick the story of Irish emigration to British America from its 409 unbroken and heavily documented pages. Nevertheless, the reward would more than repay the effort, especially if it proved how interwoven are the threads of the history of Canada and the United States.

No one before Professor Adams has shown so clearly how "the emigrant trade" (one longs for a new title!) "was closely linked with the ordinary commercial intercourse between America and the United Kingdom" or argued so effectively that it was "the shipping requirements of the American exporters which more than anything else except the passenger acts determined the course of the emigrant trade" (p. 71). The change of destinations, "the new drift toward British America" in 1817 (p. 260), the collapse of "the thriving New Brunswick emigrant trade" in 1823 (p. 152), the cheaper fare which made possible the great

emigration of 1831 (p. 163) were all due mainly to conditions of the shipping business on the Atlantic. Some may feel that this argument has been over-developed. For instance, in comparing Irish and Scottish emigration to British America in 1816 (pp. 87-8) Professor Adams neglects as factors determining destinations the assistance of the government which had already popularized the British colonies in Scotland, but not in Ireland, and the ties which bound the Scots, but not the Irish, to the settlers in British America.

In this volume for the first time, too, an historian of emigration has delved sufficiently deep into Irish soil to be able to fill out reliably the story of unassisted emigration which until now has received less space than the relatively smaller movement of assisted emigrants.

Interpreting local sources is as difficult as finding them. Students of things Irish have sometimes practised the method suggested by the Irish emigrant who replied to the government inspector: "An' if I knew what ye were manin' to prove I'd know better what to answer." Professor Adams, on the contrary, has handled Irish, English, and American officials with detachment and digested a mass of controversial evidence without using it to defend the conventional interpretations. He hesitates to argue from eviction to emigration (p. 104-5) though British parliamentary papers do not support him (p. 165), he minimizes the "general abuse of Great Britain" by the Irish (p. 383) in spite of the observation of travellers such as J. M. Duncan (*Travels*, pp. 273-4) and H. B. Fearon (*Sketches*, p. 88), and he asserts that in politics in British America the Irish "had little effect before 1840" although Miss Dunham gives two lists of Irish leaders (*Political unrest*, pp. 118, 145).

Various small matters might be noted: errors in references on page 177 to "*Parl. Pap.* 1826-7, p. 72"; on page 190 to "*Parl. Pap.* 1336"; on page 253 to "Hansard XXI"; the lack of exact detail in the bibliographical chapter; the rating of Wilmot Horton universally as "small" (p. 332) although Peel and Huskisson felt otherwise about him (see *Parl. deb.* 2, XVIII, pp. 1555 and 7). Again, in a work which enlarges excellently upon material treated by previous studies there may be some use of the same sources, some repetition of quotations. Is it too much to expect that similarities be recognized with something of the same care as differences of opinion? But obviously these are minor points born perhaps of that myopia which comes from concentration on the details of a careful monograph. The book, packed full of information, with its two maps giving major and minor areas of emigration and its tables of immigration to North America, is too valuable to warrant pedantic criticism.

One warning might be sounded to-day. Those who put faith in governmental direction of a planned society need not seek arguments here. "The least successful aspect of government policy", Professor Adams concludes, "was the attempt—as much in the mercantile interest as for imperial reasons—to turn emigration from the United States to British North America. The most conspicuous feature of the whole period is. . . . the comparative success of the negative policy of non-interference." While committees weighed evidence and ministries wrangled, the people took their own way out of their difficulty.

HELEN I. COWAN

Klengenberg of the Arctic: An Autobiography. Edited by TOM MACINNIS. London: Jonathan Cape. 1932. Pp. 360. (10s. 6d.)

ROALD AMUNDSEN, when making his famous voyage of the North-west passage in the *Gjoa*, spent nearly two years at a harbour in southern King William Land. Fifty years had elapsed since any white men had come in contact with the Eskimo tribes of the central Arctic, and during his stay at "Gjoahavn" Amundsen had exceptional opportunities for observing these interesting people. His account of them is one of the most vivid, most charming and sympathetic, of any that has been written in the whole extensive range of literature dealing with the Eskimo, and it concludes with these significant words: "My sincerest wish for our friends the Nechilli Eskimo is that civilization may NEVER reach them."

The wish was a vain one, as Amundsen well knew. Even while the *Gjoa* was spending the third winter of her voyage at King Point, a small trading schooner had made her way to Minto Inlet in Victoria Land, and the Eskimo seclusion of fifty years was broken by Charlie Klengenberg. The Arctic coast and islands abounded with white foxes. Hitherto of little value to the Eskimo, the fox skins, fetching a high price at this critical time, were the treasure sought by traders of whom Klengenberg was the first and one of the most notable. He, and those who soon flocked into the Arctic after him, are responsible for the sudden conversion of a primitive people, living under Stone Age conditions, with utensils, implements, and weapons of stone, bone, and native copper, to the use of the latest devices of civilization; a conversion which affords one of the most remarkable ethnographical studies ever presented.

From bows and arrows to modern high power rifles; from skin boats to schooners powered with gasoline engines; from dwellings of skin or snow, with stone lamps for cooking and lighting, to white mens' frame houses with steel cooking ranges and Coleman, or even Delco, electric sets, for lighting; to outboard engines, field glasses, gramophones, cameras, and radios; to the inquiry, at least, for aeroplanes! these changes have taken place within one generation. The material needs of the Eskimo supplied by many traders, their morals influenced by missionaries, their customs constrained by police, their health ministered to by government doctors, never was a change in a people's habits and modes of life more sudden nor more fundamental.

Klengenberg's account of his life in the Arctic is, therefore, a book of more than ordinary interest and importance. He was the first white trader in these regions, continuing and increasing his activities for more than twenty years. A pioneer who leaves a written record of his life, of the difficulties of the conditions and his success in overcoming these difficulties, is an exception all too rare. Klengenberg describes these with great charm and moderation. He possesses the gift, pre-eminent in Scandinavians, of writing with simplicity, modesty, humour, and telling effect. His editor is to be complimented on keeping himself in the background and letting Klengenberg tell his own story in his own way; an example that might be followed with advantage by a more widely known editor of other people's exploits. The result is a book of unusual interest, accuracy, and historical value.

In his preface Mr. MacInnis takes some pains to assure his readers that Klengenberg is *not* the "Sea wolf" of Jack London. This is a work of supererogation, for in the course of his story Klengenberg unconsciously portrays his own character as one in which gentleness, moderation, and love of peace are the chief traits. That he moved among a rough, tough set was his lot in life—foremast hand, sea cook, whaler, and Arctic trader; that he got the better of villainy and detraction is a matter of congratulation to himself and of confusion to his detractors.

Not the least delightful feature of this book is Klengenberg's loving tribute to the loyalty and constant help afforded to him by his Eskimo wife, Graemnia, whose aid and comfort in his career were of inestimable importance.

GEORGE M. DOUGLAS

Autobiography of Benjamin Russell. Halifax: The Royal Print and Litho Ltd. 1932. Pp. [vi], 307.

Memories of Long Ago: Being a Series of Sketches Pertaining to Charlottetown in the Past. By BENJAMIN BREMNER. Charlottetown, P.E.I.: Irwin Printing Company. 1930. Pp. 96.

An Island Scrap Book, Historical and Traditional: A Sequel to Memories of Long Ago. By BENJAMIN BREMNER. Charlottetown, P.E.I.: Irwin Printing Company. 1932. Pp. 161, vi. (\$1.50)

The Paths to Yesterday: Memories of Old St. John's, Newfoundland. By JOHN MACLAY BYRNES. Boston: Meador Publishing Company. 1931. Pp. 235.

THESE four books have the common aim of recalling the past, as seen through the eyes of an individual, and all are, therefore, more or less autobiographical. They were all written late in life, not from carefully kept diaries, but from memory, as the spirit prompted. As a result, they provide material for the psychologist, in addition to much light upon the conditions in Nova Scotia, Prince Edward Island, and Newfoundland which produced the present generation of elderly men.

Mr. Justice Russell's work was undertaken as a personal narrative for his grand-children and has been completed in a vein of Wordsworthian simplicity. He tells of his New England ancestry, his school-days before the Free School Act in Nova Scotia, his impressions of Dalhousie and Mount Allison, his association with Dean Weldon at Mount Allison and in the Dalhousie Law School, his election to the House of Commons in 1896, his maiden speech, his "speech on Sam Hughes", his appointment to the Supreme Court of Nova Scotia, and the many incidents of a busy and useful life. Humour and goodwill pervade the entire volume. Perhaps, those who knew the author in his active years will regret that he had not kept a diary of the more stirring incidents in his career, to enable him to portray more vividly the emotions that swayed him and his generation; for he was out with Howe in the exciting election of 1869, was intimate with Fielding, and kept in close touch with the constitutional development of Canada in the last half century. But the *Autobiography* will make no enemies, as all bitterness has been forgotten in retrospect.

Mr. Bremner's *Memories* were written periodically for the Charlotte-

town *Guardian*. About one hundred sketches of institutions, incidents, and individuals, together with several rare illustrations have been collected and published in more permanent form in this volume. As memory often proves capricious, so has this collection; but that does not detract from its local interest or general value.

The same may be said of *An Island scrap book*, which is a sequel to *Memories*, and follows a similar plan or lack of plan, but pushes out beyond the limits of individual memory to the early days of human life on Prince Edward Island. It is an historical, legendary, and pictorial symposium, in explanation of the Island. Both these booklets are well printed and the half tone illustrations are particularly well executed.

The paths to yesterday bears a close resemblance to Mr. Bremner's booklets, in that it cannot be described adequately in a few words: for Mr. Byrnes, also, has tried to recall one hundred and one scenes of boyhood experiences for the delight of all surviving school friends in St. John's, Newfoundland. Childhood's haunts and joys, games and frolics, berry-picking and love-making, marriages and wakes, Christmas and the day of races, fishermen and quaint characters, all are revived in kaleidoscopic disorder. At the end of the book is a collection of native poetry on native scenes and incidents, extending over twenty pages. These poems supplement the author's own memories and breathe the same genial spirit. Mr. Byrnes has contrived to cast a tenderer glow of sentiment over his work than Mr. Bremner, perhaps, because he is an exile and has been an actor; but both have been actuated by the desire to preserve fragrant pictures of their Island homes for the delight of their contemporaries and for the edification of posterity.

D. C. HARVEY

Guide to Materials for American History in the Libraries and Archives of Paris. By WALDO G. LELAND. Volume I. *Libraries*. Washington: Published by the Carnegie Institution of Washington. 1932. Pp. xiii, 343.

CONTINUING a series of most excellent guides of historical material in foreign archives, this last publication of the Carnegie Institution is a welcome addition to Canadian historical bibliography, as items of Canadian interest constitute a very large proportion of the contents. This first volume devoted to libraries in Paris is almost entirely taken up—237 pages out of 283—by the calendaring of the Bibliothèque Nationale, which is not surprising as this famous library probably contains, of all the world's libraries, the largest collection of historical manuscripts. Of course the ground of the present *Guide* had already been covered as far back as 1911 in a very efficient way by Joseph Edmond Roy in *Les archives de France*, which is publication no. 6 of the Public Archives of Canada, and embraces the whole field of French archives and libraries. As a matter of fact, one is surprised to find that Mr. Leland's *Guide* has not added more than it does to the information compiled by Roy, whose only big and unaccountable omission is the Arnoul collection now calendared in the *Guide*.

It is no doubt pertinent here to remind historical students that Canadian medals and engravings in the Bibliothèque Nationale were

listed by Roy, while these two subjects do not come within Mr. Leland's field of work. Roy also enumerated both printed and manuscript maps, while Mr. Leland mentions only the manuscript ones, but his listing is much more complete and accurate.

Though not displacing entirely Roy's volume, Mr. Leland's *Guide* will take precedence over its predecessor, as representing more recent and more complete investigation, calendaring new series recently completed, giving in most cases fuller information and especially being blessed with a most useful index, both copious and accurate.

It will certainly be good news to Canadian scholars to know that of the Canadian documents listed by Mr. Leland, the larger part is already in transcript form on the shelves of the Canadian Archives, and the remainder is in the process of transcription. One may mention that the Canadian Archives even contains documents of the Bibliothèque Nationale which have escaped Mr. Leland's diligent search. For instance, the following documents, not listed by him are in Ottawa: Nos. 3066-7, Letters of Admiral Chabot; 3286, Admiralty of Rouen; 4518, Papers about De Monts; 4519, Papers about Lescarbot; 15563, La Roque; 15573, La Roque; 15577, Ventadour; 15579, De Chastes; 15583, Razilly; 15795, Missionaries; 17871, Memoirs on Canada and Acadia; 22253, West India Company, Bigot, Mines, Roberval; 27243, Maisonneuve; 28927, Razilly, etc. It is to be noted that the anonymous document no. 2088 of Bibliothèque Sainte-Geneviève, *Mémoires sur l'état actuel du Canada*, is by Abbé Huet de la Valinière, formerly of Montreal.

Canadian historians certainly owe the Carnegie Institution and Mr. Leland a deep debt of gratitude for their last *Guide* and the valuable and scholarly information it brings home to them, thanks to which they are spared days and weeks of search and labour. They now await with eagerness the next volume still more important that will give them a calendar of the National Archives of France.

GUSTAVE LANCTOT

Material Culture of the Iglulik Eskimos. By THERKEL MATHIASSEN. (Report of the Fifth Thule Expedition, 1921-24, VI, no. 1.) Copenhagen: Gyldendalske Boghandel, Nordisk Forlag. 1928. Pp. 249; 203 illustrations, 1 map.

Intellectual Culture of the Iglulik Eskimos. By KNUD RASMUSSEN. (Report of the Fifth Thule Expedition, 1921-1924, VII, no. 1.) Copenhagen: Gyldendalske Boghandel, Nordisk Forlag. 1929. Pp. 308; 32 plates, 1 map.

THE term Iglulik is used to designate several small Eskimo bands, practically identical in culture, who occupy the region between Chesterfield Inlet in the south-west and Bylot Island in the north-east. They number to-day only about five hundred—the sole survivors of an aboriginal population which occupied an area of some 275,000 square miles. They are, however, important to the anthropologist as illustrating the life of the Central Eskimo to whom land and marine animals are equal necessities, whereas both the eastern and western groups of Eskimo are primarily maritime hunters. These two volumes give a

detailed and vivid picture of their material culture and their religious concepts. Mathiasen describes the routine of Iglulik life—the slow, irregular wandering in search of game, the erection of summer tents and of winter snow-houses, the constant quest for food, and the ingenuity shown in catching different animals. Although craftsmanship, except in sewing, seems to have degenerated in recent years, the paucity of suitable material demands great skill, and the author describes a large range of tools and equipment, with details of their manufacture. There is little privacy; sharing of the scanty resources is the rule rather than the exception, and these factors are reflected in both family and social intercourse. The author gives an admirable and well illustrated description of the outward life of an interesting people. Rasmussen's share in the work is their inward life, their hopes and fears, their beliefs, and their folk-lore. In the whole range of anthropological literature, I know of no more satisfactory account of the religion of a people. The author has lived with them, won their confidence and gained their point of view—and then recorded his information in a clear and logical manner. Furthermore, he has succeeded in incorporating "case histories" into his account, giving life and anecdote to clothe the bare facts, but so ably has this been done that the continuity of the whole is never broken. Rasmussen has proved that a scientific exposition of a primitive religion can be made personal and exact, without becoming either tedious on the one hand, or sentimental on the other. The Iglulik feel themselves surrounded by a large number of supernatural beings who generally manifest themselves by storms, by lack of game, or in sickness; these misfortunes are caused, not by the innate malevolence of the beings, but because they have been angered by the infraction of some taboo. Hence, life is rigidly ordered: certain foods must not be eaten in conjunction; vessels must be used only in definite ways; every crisis of life is surrounded by acts of ritual or prohibitions; indeed, even suicide must be carried out according to rule. Misfortune for the community follows any infraction, but the shamans can usually discover the reason and atonement is made by confession. The shamans are not all-powerful even with their spirit helpers (many of whom, incidentally, are illustrated by native drawings), so aid is sought by prayers, spells, and the use of magic words. There is no attempt to analyse or to systematize beliefs; the Iglulik know what to do or not to do; it is no part of their philosophy to ask why. This point of view is further illustrated in the excellent series of folk-tales. Canada is fortunate in having this investigation of the Eskimo carried out for her by a Danish expedition, and is thrice fortunate in the masterly skill displayed.

T. F. McILWRAITH

The Mound-Builders. By HENRY CLYDE SHETRONE. New York: D. Appleton and Company. 1930. Pp. xx, 508; 299 illustrations. (\$7.50)

IN the huge area embracing the watersheds of the Mississippi and Ohio Rivers there are, or were, approximately one hundred thousand aboriginal earth-works of sufficient size to warrant the term of mounds. This book is a scholarly effort to answer the layman's frequently repeated question

as to the builders of these structures. For years it has been apparent to all who have studied the matter that they were constructed, principally in late pre-Columbian times, by different tribes of American Indians, but this conclusion inevitably leads to further problems: Why were they built? How were they built? What was the relationship of the builders to modern Indian tribes? Some of these questions are answered in this book; others remain obscure. In the first place, the mounds are not uniform in type; they were made for different purposes by peoples of different cultures and range from simple burial tumuli, to extensive protective works, to effigy mounds, and to elaborate sepulchres. The most spectacular remains are found in the region of southern Ohio where earthworks covering acres in extent have been known for many years. These can be divided into types, that of the Hopewell culture, for example, consisting of huge mounds covering (presumably) sacred buildings in which were laid the bodies of the dead, or their ashes. The funeral equipment includes the most artistic objects found north of Mexico, beautiful and elaborate ornaments of copper, gold, mica, and pearls, together with fragments of woven cloth and curiously shaped implements of stone. It was discoveries of this nature, seemingly beyond the ability of modern Indians, that first threw somewhat of a halo around the "mysterious" mound-builders.

Shetrone's treatment is clear and logical. After quoting early views on the subject, he classifies types of mounds, and discusses their construction, with reference to probable use. Then follow chapters on the general culture of their makers as evidenced by their industries and their art. Next the author deals with different geographical areas, each characterized by local developments, and in several cases by a special culture apparently entirely local. The description of mounds in Ohio is particularly good, as might be expected from Shetrone's long and valuable work in this area. The illustrations are excellent throughout, numerous, well selected, and well reproduced. Historians will find this an interesting and authoritative account of the mound-building phase of North American archaeology, although, designed for the general reader, it is admittedly descriptive rather than deductive. The author has clearly felt that minute comparison of specimens, theories on the development of cultural types, and other detailed problems of archaeology should not be included; their omission leaves certain aspects of the subject unanswered. For these the serious student will have to refer to more technical treatises.

T. F. McILWRAITH

Our Great Ones: Twelve Caricatures Cut in Linoleum. By JACK McLAREN, with footnotes by MERRILL DENISON. Toronto: The Ryerson Press. 1932. Pp. [52.] (\$3.50)

THIS unique introduction to Canadian biography is one which the student of history may accept with gratitude in the spirit in which it is offered. There is nothing official about it. There is none of that mingling of spurious reverence and false patriotism with which biographers all too often approach their subjects; none of that awe of the dead departed combined with dread of his surviving relatives which results in portraits

of national figures as lifeless as enlarged lithographs. Mr. McLaren has approached his task untainted by a single good intention; and if at times he allows himself to be overcome by any suggestion of sympathy or restraint, there is Mr. Denison at his elbow to point a barb of his own and redress the balance on the side of irreverence. The result is a series of human sketches which may begin the redemption of some of these figures from the frozen unreality of more official histories. The presentation, of course, is not always above criticism. George Brown is represented in a placid mood which, of all his varied moods, must surely have been the least typical. The portrait of Bishop Strachan is so restrained as to be almost benign, though Mr. Denison does not fail to point out that a close study of his countenance "may help to explain why strangers still find Toronto a solemn spot on Sunday". Both collaborators are a little uncertain in their dealings with Joseph Howe; but the sketches of Laurier and Colonel Talbot and Egerton Ryerson are excellent, and the portrait of Sir John A. Macdonald is one which that robust gentleman would certainly have enjoyed. The selection, of course, is arbitrary; Cartwright and D'Arcy McGee find a place, to the exclusion of Baldwin and Galt and Fielding, and there is not a rebel nor an explorer in the lot. But perhaps they are being saved for a new series. In the meantime, these sketches strike a refreshing note which has been sadly lacking heretofore. If we must have statues to public men, Mr. McLaren should be made to design them. It would be the acid test of true greatness if any reputation survived.

EDGAR MCINNIS

Sir William Mulock: A Short Biography. By WILLIAM JAMES LOUDON.

Toronto: The Macmillan Company of Canada. 1932. Pp. xii, 384. PROFESSOR LOUDON has paid a graceful compliment to the distinguished chief justice of Ontario in writing this biography. Though admittedly "short", it gives a well-written summary of the public career of its subject. Several chapters are devoted to his political activities. There is a full account of his successful efforts to establish imperial penny postage. The creation of a Department of Labour was also largely due to his initiative, and this constructive action receives adequate treatment. There are other matters on which we should like to have information. It would be interesting, for instance, to know whether Sir Wilfrid Laurier's astonishing *volte-face* on the question of sending a Canadian contingent to the Boer War without a vote of parliament may not have been brought about by the persuasion or even the pressure of his imperialistic colleague, the postmaster-general. But this, perhaps, we shall never learn.

Sir William Mulock's eminent services to higher education are fully recognized and recorded. His most outstanding accomplishment as vice-chancellor of the University of Toronto was in bringing to a successful issue the project of a federation of all the denominational arts colleges in the Province of Ontario with the state university. Some measure of the kind had been debated for several years, but the whole question bristled with difficulties. However, the vice-chancellor's talent for negotiation removed most of them—not all, because Queen's University

remained outside the union. Of all the eminent educationists who held counsel together and co-operated, Sir William Mulock undoubtedly took the longest and largest view, and his statesmanlike foresight has been amply justified in his life-time. But the passage of the Federation Act in 1887 and the successive acceptance of its terms by Victoria University, Trinity College, and St. Michael's College, would not in themselves have brought about the great expansion of the university which the present generation has seen. The Federation Act was magnificent on paper, but where were the funds to come from to maintain the professorships and laboratories contemplated by the act? Perhaps the political ties of the vice-chancellor prevented him from pressing this point upon the Liberal government which administered the affairs of the province for the next eighteen years. Thirteen of those years had to elapse before the Alumni Association, formed in 1900, and the Board of Trustees, newly constituted in the following year, forced an unwilling premier to admit in principle the responsibility of the provincial government for the efficient maintenance and the growth of the university. A few years later, under the Conservative administration of Sir James Whitney, a definite proportion of the taxation was set aside as revenue for these purposes, and thus the way was cleared for complete fulfilment of the promises of the federation agreement.

H. H. LANGTON

Sir Bertram Windle: A Memoir. By MONICA TAYLOR. London: Longmans, Green and Company. 1932. Pp. xiii; 428 (\$4.00)

THE chief interest which this book holds for readers of the CANADIAN HISTORICAL REVIEW arises from the fact that Sir Bertram Windle spent the last nine years of his full and busy career in Canada. The first sixty years of Windle's life belong to England and Ireland. In both these countries he left his mark upon the history of science and education.

For the most part the account of his life in Canada is given in Sir Bertram's own words (quotations from correspondence), and abounds in impressions of Canadian life and manners by a learned and cultured Englishman.

Windle's activities were mainly academic, medical, and religious, but his broad interests included archaeology and local history. During his life in Canada he published an historical study entitled "Toronto as it was and is" (in J. A. Hammerton's *Countries of the world*, no. 39).

The book as a whole is a delightful "memoir", without any pretension to pose as a scientific biography.

GERALD B. PHELAN

Evêque d'or, crosse de bois: Vie de Monseigneur de Charbonell, Evêque de Toronto. Par le R. P. CANDIDE CAUSSE, O.M.C. (Collection "Il Poverello", 1^{re} série, XLIX.) Paris: Société et Librairie S. François d'Assise; Gembloux: Librairie J. Duculot; [Montreal: Librairie franciscaine.] 1931. Pp. viii, 309.

ARMAND FRANÇOIS MARIE DE CHARBONNEL was born at Monistrol, department Haute-Loire, on December 1, 1802, son of the mayor of Monistrol, "Citoyen Jean-Baptiste Charbonnel", otherwise Comte de

Charbonnel du Betz, worthy representative of the old Catholic nobility of southern France. Armand was educated by the Basilians of Annonay and the Sulpicians of Issy. In 1825 he was ordained priest, and soon after entered the Society of St. Sulpice. In 1840 he came to Canada, and in 1850 was consecrated Bishop of Toronto. After ten years he resigned his see to enter the Capuchin Order. He died at Crest in France on March 29, 1891.

The present biography of the archbishop (he was raised to the higher dignity in 1880) is objective in treatment and restrained both in eulogy and in pietistic sentiment. Nevertheless it is essentially a study of the spiritual life, and its object is edification. The object is achieved: few will fail to be moved by the story of a development from the somewhat careless student of Annonay to the grand old patriarch of eighty-eight years whose last thoughts were of consideration for his attendant ("Allez vous reposer, un Charbonnel saura bien mourir tout seul") and of humility before his God ("J'ai tant besoin de miséricorde").

But to the student of those aspects of Canadian history which were touched by the career of Bishop de Charbonnel the book, while it cannot be ignored, will undoubtedly prove disappointing. This results not from minor errors and misprints, due to the author's or proof-reader's lack of familiarity with things Canadian, but from the failure to draw real historical illumination from the material which, we would infer, was available to the author.

The documentation is poor and the references to sources are frequently vague. In that *Apologia pro magistro suo* which Dr. J. George Hodgins called a *History of separate schools in Upper Canada* the rôle of dupe and cat's-paw has been assigned to Charbonnel. We might have expected to find in the present work a genuine contribution, from the bishop's side, to the understanding of the famous politico-educational struggle of the 1850's and 1860's; all that we are given of new are a few brief quotations and one document reproduced in full, to none of which can special significance be attached.

JAMES F. KENNEY

A History of the County of Grey. By E. L. MARSH. Published by authority of the Grey County Council. Owen Sound, Ontario: Fleming Publishing Company Limited. 1931. Pp. [vii], 487.

THIS is a local product editorially and typographically, and merits commendation in both respects. The practised writer or historian might find fault with the proportion given some of the aspects and the emphasis placed upon some incidents, and might suggest that the opening chapters could very well have been combined so that the reader might get a clearer picture of the topography, extent, and the more or less imaginative background of the early Indian days before the coming of the white man. But, after all, the value of the history of a county lies in the revelation of its social life, in the struggle of the pioneers to hew homes out of the forests, and to build roads for communication through swamps and over great hills—and they had plenty of these in Grey. This is what this history does so well, and if it suffers from lack of style because it is compiled from the personal experiences of many people, it

has the virtues of its defects, for many of the personal recollections reveal just the touches of early life which are of vital interest to the historian.

Grey is a romantic and interesting county as compared, for instance, with Peel or Dufferin, and has the advantage of bordering on the romantic and historic Georgian Bay. The author has felt that romance, and the reader, even though he may know little of the county, cannot help being interested.

Especially worthy of commendation is the interest and enterprise shown by the county officials in giving us the record of the achievements of its early settlers. Would that other county councils might do likewise!

As is usual in books locally published a number of minor errors have escaped the proof-reader—the Grand River flowing into Lake Ontario, *etc.* There ought to have been at least one map of the county—a history is hardly understandable without a map.

GEORGE H. LOCKE

England's French Dominion? By WILLIAM TEELING. London: Hutchinson and Company. N.d. Pp. 287. (7s. 6d.)

THE author, a young politically minded Irishman with English affiliations, spent the year 1930 in Canada with the object of acquiring some first-hand knowledge about the dominion. He has done very well; and has incidentally produced a stimulating and informative volume. A stranger, after reading the book, would certainly have a much more vivid idea of what the dominion is like and what her chief problems are, while even a Canadian cannot fail to be impressed with some of the odd facts that the writer has disclosed—for example, that three towns in Canada are named for the lap-dogs of the daughter of the Duke of Richmond.

The chief thesis of the book is, however, badly grounded and inadequately developed. The author believes that the French Canadian will eventually control the dominion; but he seems to have no better basis for this belief than the large natural increase together with such false generalizations as "to-day nearly 40 per cent. of the Maritimes are French-Canadians". In a later chapter, however, another vision appears, and he foresees the "Balkanization" of the West, and views with alarm "the tremendous increase of the Central and Southern Europeans" during recent years. A glance at the *Canada year book* would have told him that from 1926 to 1930 less than forty per cent. of the immigrants have come from these dreaded areas. At another time, even this is forgotten, and he gives a faint support to the Mormon dream of an empire in the western half of the continent.

His secondary thesis is on a sounder foundation. He contends that Britain would be foolish to make many concessions to retain or increase her Canadian markets, for she will sooner or later be compelled to retire in favour of the United States. Her best tactics are to take, of course, what naturally comes her way, but to devote her energies chiefly to markets elsewhere in which she can hope to meet American competition more successfully.

The book is on the whole very readable; although the logic staggers

when economic and political questions are discussed. The writer's sketches of the Canadian press, law, universities, political parties, American influence, and similar subjects are both discerning and accurate; but the picture which he gives of the dominion as a whole is distorted. He virtually ignores the Maritime Provinces, while he devotes a great many pages to such unusual and theatrical aspects of national life as the Mormons, the Mennonites, and the Doukhobors.

R. MACG. DAWSON

Le blé au Canada, conservation et transport. By L. D'HAUTESERVE. Paris: Librairie J. B. Baillière et fils. 1931. Pp. 185. (18 fr.)

THE author came to Canada in 1926 under the auspices of the Société d'Encouragement pour le Commerce Français d'Exportation. Later he was given a special mission by the Direction Générale de l'Enseignement Technique to study the culture and the commerce of wheat in Canada. This little book is the result of his investigations but it is intimated that not all his views are contained therein. A selection evidently was made of those aspects of the production of Canadian wheat and the trade in Canadian grain which it was thought would prove of interest to French agriculturalists.

The first section deals with problems which Canadian wheat-growers must face in contending with frost, moisture, rust, smut, cut worms, saw flies, grasshoppers, etc. This is followed by a section describing the storage and transportation of wheat. Finally, there is a critical study of fifty pages devoted to the Canadian wheat pool. In explanation, the preliminary note mentions the keen desire exhibited by French farmers to understand the pool.

The book is pleasantly written but there are several rather serious, not to say ludicrous, errors. Thus the pool is given credit for mixing grades in the terminals to such an extent that it endangered the prestige of the Canadian grade certificates abroad. The established grain trade is also represented as being most conciliatory to the pool on its advent and "complacently" aiding it to be brought to birth. The author is wrong in attributing a higher quality to the various grades shipped from Vancouver than to those shipped from other ports. The grades are kept as uniform as possible with grades shipped from the eastern seaboard although difference in price may arise from time to time due to differences in costs of transportation.

In addition to these mistakes, there is a large number of minor errors which more careful proof-reading should have eliminated.

D. A. MACGIBBON

A Plan of Action Embodying a Series of Reports Issued by the Research Committee of the Empire Economic Union and other Papers. Together with an introduction by the Right Honourable L. S. AMERY. London: Faber and Faber. 1932. Pp. viii, 280. (15s.)

THIS volume presents a programme of "imperial rationalization" prepared by a series of research committees under the chairmanship of the author. It is divided into five parts. The first translates into specific terms the high-tariff views of the Federation of British Industries and

includes a concise summary of the Import Duties Act of 1932 and an interesting outline of the functions and organization of a proposed tariff board for Great Britain. Part II deals with the protection of British agriculture. A scheme of imperial preference, together with draft treaties between the different parts of the empire, is presented in part III. This section also contains a discussion of the drawbacks of the most favoured nation clause as incorporated in past trading treaties with foreign countries. An informative discussion of the colonial empire with special reference to the position of the mandated territories in any scheme of imperial preference constitutes part IV. Part V deals with imperial financial and monetary policy. This memorandum was written before Great Britain went off the gold standard. It prescribes a protective fiscal policy as the only immediately practicable means available to Great Britain of maintaining adequate gold supplies.

The appendices include a rather sketchy statement of the case for a sterling bloc and an imperial central bank; also a proposal for changes in the British stamp duties on securities designed to stimulate intra-imperial investment. While the book was written before the Imperial Conference at Ottawa, it is of interest to Canadian readers as setting forth the concrete aims of the Empire Unity group in Great Britain of which Mr. Amery is a prominent and enthusiastic member.

W. BURTON HURD

The North American Indians. By ROSE A. PALMER. (Smithsonian Scientific Series, IV.) New York: 1929. Pp. 309; 85 plates, 11 text figures.

For many years the Smithsonian Institution has provided scientists with the data and the results of careful studies in various fields; a new series, of which this is the fourth volume, caters to the non-technical reader by giving general accounts of the present state of knowledge in different branches of science. This is particularly valuable in American ethnology owing to the wide scattering of literature in journals and governmental publications. After introductory chapters on the populating of America and on common elements in Indian culture, the author describes native life in different areas, among the Eskimo of the Arctic, the Iroquois of the east, the Pueblo peoples in the south-west, and tribes of the Plains, California, and the North-west. Folk-lore is illustrated by legends from a number of areas, and finally there is a chapter on race contact with emphasis on the Indian point of view. On the whole, the material has been well selected and arranged; a mere catalogue of facts has been avoided, and judicious use has been made of extracts from early writers and reproductions of early drawings. The illustrations are extremely good throughout. This book is not—nor is it meant to be—exhaustive. It is a book for the layman, for the person who wants a balanced and reasoned account of the Indian, written authoritatively, with sympathy, but without sentiment.

T. F. McILWRAITH

NOTES AND COMMENTS

AS announced in our last issue, the American Historical Association met for the first time in Canada when its forty-seventh annual meeting was held at the University of Toronto on December 27-29. The meeting brought together many of the most prominent writers and teachers of history in the United States, while at the same time the attendance of Canadians and their participation in the sessions was naturally greater than usual. The character of the programme and the attention of the press marked the occasion as one of international interest. No less than fifteen of the papers read bore directly upon Canadian history: "Canada and the peace settlement of 1782", by S. F. Bemis; "British government propaganda and the Oregon Treaty", by F. Merk; "The Royal Navy as a factor in the British control of the Old Northwest, 1760-1796", by N. V. Russell; "Interrelations between the fur trade of Canada and the United States", by H. A. Innis; "The United States and the Red River Expedition of 1870", by J. P. Pritchett; "Railway land policies in Canada and the United States", by J. B. Hedges; "The British Commonwealth, an interpretation", by N. W. Rowell; "Some educational factors affecting the relations between Canada and the United States", by Arthur A. Hauck; "The origin of the International Joint Commission", by L. J. Burpee; "Effects of the Civil War in the United States upon agriculture in Canada", by F. Landon; "Church and state in Canada", by K. H. Cousland; "A Canadian policy in the Far East", by N. A. M. MacKenzie; "Charles Williamson, 'Western watch dog' of the British Empire", by I. J. Cox; "The Quebec Council of 1647", by G. Lanctot; "The boundary provisions of the Quebec Act", by D. A. McArthur. The American Catholic Historical Association, which met at the same time, devoted its entire programme to topics touching the history of the Roman Catholic Church in Canada: the presidential address by Dr. James F. Kenney of the Public Archives, Ottawa, dealt with the relations of church and state in Canadian history. The Canadian Historical Association arranged a joint session with the American Historical Association and the Ontario Historical Society took an active interest in a session and luncheon for state and local historical societies. Through the co-operation of the dominion government a very fine collection of paintings, manuscripts, etc., was sent from the Public Archives at Ottawa. It was allowed to remain on exhibition for the general public for ten days after the meeting, and was seen by many hundreds of interested visitors. The Archives of Ontario, the Women's Canadian Historical Society of Toronto, and the United Empire Loyalists' Association also provided exhibitions of historical materials. The Association was entertained at tea by the Art Gallery of Toronto and by the Royal Ontario Museum, the tea in the museum being the first function held in the newly completed building. A full account of the meeting will appear in the *American historical review* of April, 1933.

The following numbers of the REVIEW are now out of print: December, 1922; March, 1923; June, 1923; December, 1924. The business manager of the REVIEW will pay \$1.00 per copy for these issues; address, The University of Toronto Press.

The centenary of the chartering of the first Canadian railway—the Champlain and St. Lawrence—in 1832 received attention in the press as well as in the meetings of historical societies and other organizations. A most interesting and informative paper on the subject was read before the Antiquarian and Numismatic Society of Montreal by Mr. John Loye. Mr. Loye, after describing in detail the opening of the railway in 1836 and the ceremonies accompanying it, outlined the earlier projects for railway building. He then dealt with the early history of the railway and of other lines which were built in the same period. The paper, which showed the results of careful work in the newspapers and other sources, brought out clearly the effects of influences from both England and the United States on the development of Canadian transportation a century ago.

The following query has been received from Professor Archibald MacMechan: "As Coulon de Villiers was leading his men to attack Noble at Grand Pré in 1747, he met Père Girard on the trail between Cobequid and Tatamagouche at a place called Bacouel. Diligent search of old maps has failed to discover any such name; but it occurs as the name of a farm in Biggar's *Collection of documents relating to Jacques Cartier* (Ottawa, 1930), page 4, rented by Roberval, December 13, 1530. Can anyone explain the coincidence?"

The Summer School of Historical Research conducted by Queen's University at the Public Archives in Ottawa will this year be under the direction of Professor R. G. Trotter. The term is from July 3 to August 18. In addition to the special provision for students engaged in advanced research, courses will be offered on the history of Canada since 1812. The bulletin of information may be obtained from Queen's University, Kingston, Ontario.

The Historical committee of the United Church in British Columbia, the secretary of which is the Rev. John C. Goodfellow of Princeton, B.C., is actively engaged in collecting materials which come within the scope of its interest. The publication of information prepared by the committee is a regular feature of *The western recorder*; a series of sixty-six biographical sketches has, for example, been recently completed.

Professor W. N. Sage, who has been for several years a member of the Department of History in the University of British Columbia, was during the past year appointed head of the department.

The article on "The genesis of provincial rights" by Professor Norman McL. Rogers of Queen's University, is based primarily on manuscript sources and is the most thorough discussion of this important subject that

has appeared in print. The extension of Canada's jurisdiction over the Arctic islands is the most recent, and probably the final, phase of Canada's territorial expansion. The details of the story are brought together for the first time in the article by Mr. V. Kenneth Johnston, who was formerly on the staff of the Public Archives, Ottawa, and is now a lawyer in Gananoque, Ontario. Mr. S. Morley Scott of the University of Michigan and Mr. R. A. Humphreys, who was last year at the same university, have contributed the documentary article on "Lord Northington and the laws of Canada". We are again indebted to Professor T. F. McIlwraith for the annual bibliography on Canadian archaeology and anthropology.

CANADIAN HISTORICAL SOCIETIES

Art, Historical and Scientific Association, Vancouver, B.C. Many donations of documents, pictures, and photographs, mostly dealing with the early days of Vancouver and British Columbia, were made to the City Museum (which is controlled by the association) during 1932, and Professor Hill-Tout gave a valuable collection of anthropological and ethnological books and periodicals to the library of the museum. The question of a new building for the museum is receiving the attention of the directors and the matter has been referred to the federal government at Ottawa. President, Mrs. J. W. Weart; secretary, T. P. O. Menzies, City Museum, Vancouver.

The *British Columbia Historical Association* is interesting itself in the foundation of local associations throughout the province. President, C. H. French, 182 Gorge Road, West, Victoria; secretary, Major H. T. Nation, Mineralogist Department, Parliament Buildings, Victoria.

"*Canadian Catholic Historical Association*". At a private dinner given by Dr. J. F. Kenney, retiring president of the American Catholic Historical Association, on the last day of the meeting in Toronto, December 29, 1932, a committee was formed to consider the desirability and the means of creating some organization which would embrace Canadians interested in the history of the Roman Catholic religion.

The *Canadian North West Historical Society* is co-operating in a survey which is being made this year to locate and describe the historical places of interest throughout the Prairie Provinces. Part II of "The story of the press" is in course of preparation for publication by the society. Secretary, Campbell Innes, Battleford, Sask.

Canadian Political Science Association. The fifth annual meeting of the association is to be held at the Château Laurier, Ottawa, on May 22 to 24 next. During this meeting a joint session with the Canadian Historical Association is to be devoted to economic history and political science, while other sessions are to be given to agricultural economics, political science and political theory, banking problems and problems of currency, and economic theory. Besides the full sessions, special round table discussions on population statistics, corporation finance, problems relating to transportation, and government ownership are to be conducted for those who are specially interested in these subjects (S. A. CUDMORE).

History Association of Montreal. President, the Rev. Canon James Fee; secretary-treasurer, Miss Dorothy J. Ross, 367 Metcalfe Avenue, Westmount, P.Q.

Institut Canadien de Quebec. The general annual meeting of the Institut was held on February 6, 1933. President, R. A. B noit; secretary, J. G. Couture, notary public, Quebec.

The *Lundy's Lane Historical Society* has just published *Historic Niagara Falls* by J. C. Morden which will be reviewed in this journal. President, R. W. Geary; secretary-treasurer, J. C. Morden, 2390 Lundy's Lane, Niagara Falls, Ontario.

The *Ontario Historical Society* has published volume I of the *Russell papers* (1796-1797), edited by Brigadier-General E. A. Cruikshank and Mr. A. F. Hunter, which is also being reviewed in this journal.

Oxford Historical Society. An interesting paper by Mrs. E. J. Canfield on *Street names in Woodstock*, which was given before the society in 1932, has been published as a pamphlet.

Prince Albert Historical Society. The Prince Albert Historical Museum was opened at Prince Albert, Saskatchewan, on October 1, 1932. The museum was originally the first mission church school built in 1867 by the Rev. James Nisbet, founder of the city and pioneer missionary to the Indians on the North Saskatchewan. It had fallen into disrepair but the society enlisted the help of the government of Saskatchewan and with the assistance of labour from the prison the building was dismantled and removed to the Bryant Park where it was re-built. The opening ceremony was performed by the Hon. J. F. Bryant, minister of public works, after whose father the park is named; and Professor A. S. Morton, of the University of Saskatchewan, also spoke, congratulating the committee in charge on having secured so many interesting relics in such a short time. The sections in the museum deal with the following: Selkirk and old Kildonan settlers; old Prince Albert; North-west Rebellion; Indian and Eskimo hand-work and implements; the Nisbet party; and articles of general historical interest. The response for contributions to the museum has been very gratifying, and it is hoped shortly to add more sections.

In addition to establishing the museum, five meetings were held by the society in 1932 and interesting papers were read. The work of interviewing old settlers and of securing historical information from them was continued, and it is hoped that when an opportune time arrives these records may be compiled and edited for publication. The society also co-operated with Professor Morton in attempting to locate forts or trading-posts of the early fur-traders in the district. President, Dr. D. P. Miller; secretary, the Rev. W. A. Macdonell (W. A. MACDONELL).

The *Royal Society of Canada* has awarded to His Honour Judge F. W. Howay of New Westminster, B.C., the J. B. Tyrrell gold medal for 1933 in recognition of his historical research. The presentation will be made at the annual meeting in May.

The *Similkameen Historical Association* was organized in April, 1932, and is affiliated with the British Columbia Historical Association. Its objects are to stimulate public interest in local history, to preserve and

mark historic sites, etc., to obtain records of the early history of the Similkameen valley, and to secure and preserve photographs of the pioneers and sketches of their lives. President, S. R. Gibson; secretary, the Rev. John C. Goodfellow, Princeton, B.C.

Société Historique de Montréal. Papers relating to Canadian history read before the society in 1932 included: "Des traités intervenus entre le gouvernement canadien et les Indiens du Nord-Ouest" by M. Victor Morin; "Les députés du Laprairie, 1792 à 1838" by M. J. J. Lefebvre; "Mes notes photographiques du dernier voyage de l'Université de Montréal en Alaska" by Dr. Léo E. Pariseau; "L'Intendant Talon" by Colonel Wilfrid Bovey; "À travers les vieilles archives de France ou notes pour servir à la généalogie canadienne française" by the Rev. Archange Godbout; "Joseph-Bernard Planté, député, fonctionnaire civil, journaliste" by M. J. F. Audet; "Familles louisianaises d'origine canadienne" by M. Edmond Montet. The society awarded its silver medal to the Rev. Father Lejeune, author of *Dictionnaire général du Canada français* for the best historical work published in 1931 on French Canada. President, Égidius Fauteux; secretary, Napoléon Brisebois, 1931 rue Centre, Montreal; permanent address of the society, Bibliothèque civique, rue Sherbrooke Est, Montreal.

Société Historique des Cantons de l'Est. President, Dr. Valmore Olivier; secretary, Charles de L. Mignault, P.O. Box 738, Sherbrooke, Quebec; archivist, the Rev. Michel Couture, St. Charles Seminary, Sherbrooke.

The Stormont, Dundas and Glengarry Historical Society held its annual meeting on January 23, 1933 and the president, P. E. Campbell and the secretary, F. D. McLennan, both of Cornwall, were re-elected. Four meetings were held in 1932 and addresses were given on: the early settlement of the district and recollections of Cornwall in 1885 by His Honour Justice Smith; the settlement of Winchester Township by Aaron Sweet; "The Loyalists of Glengarry" (read by the secretary); "Father Roderick Macdonell, missionary at St. Regis, and the Glengarry Catholics" by the Rev. E. J. Macdonald. The first three papers appeared in the local newspapers.

Wellington County Historical Society. At the annual meeting in October, 1932, William Laidlaw was elected president, and Dr. A. E. Byerly (Guelph, Ontario), secretary. Five excellent papers were read which will be published by the society. The secretary of the society has collected an interesting historical museum of pictures, maps, documents, letters, newspapers, etc.

The York and Sunbury Historical Society was organized in February, 1932. The membership during the year was about 107 and nine meetings were held at which historical papers were read. Two rooms were obtained for the use of the society in the post office building in Fredericton and a beginning made in the establishment of an historical library and museum. One hundred and twenty books and pamphlets were collected as well as a number of documents. Accessions altogether to the museum numbered over 500 and registered visitors, 708. President, Major W. G. Clark; corresponding secretary, R. P. Gorham, Fredericton, N.B.

RECENT PUBLICATIONS RELATING TO CANADA

(Notice in this section does not preclude a later and more extended review.)

I. THE RELATIONS OF CANADA WITHIN THE EMPIRE

- Les accords canadiano-britanniques* (L'actualité économique, 8^e année, no. 7, octobre, 1932, pp. 279-280). A note on the agreements decided upon at Ottawa.
- Les accords d'Ottawa* (L'actualité économique, 8^e année, no. 9, décembre, 1932, pp. 387-389). Some critical comments on the Ottawa agreements.
- Les accords d'Ottawa et l'aggravation du protectionnisme* (Europe nouvelle, 5 novembre, 1932, pp. 1307-1312). Contains the text of the principal documents relative to the Conference.
- The agreements at Ottawa: A summary of results* (Review of reviews, September, 1932, p. 17). The text of the agreements.
- AMERY, L. L. *The Imperial Economic Conference: Before the meeting at Ottawa* (International affairs, September, 1932, pp. 678-699).
- A travers les revues: Commentaires de quelques grands journaux sur la Conférence impériale* (L'actualité économique, 8^e année, nos. 5 et 6, août-septembre, 1932, pp. 219-231). Clippings from various important European, English, and American papers about the Ottawa Conference.
- BAACONNIER, FIRMIN. *La Conférence d'Ottawa* (Revue universelle, 1^{er} septembre, 1932, pp. 628-631).
- BAIKALOFF, A. V. *Ottawa and the Soviet* (Empire review, no. 382, November, 1932, pp. 271-276). An article concluding with the statement that only by applying full control and strict regulations to trade with Soviet Russia can the British government place on a practical basis the agreements reached at Ottawa.
- BETHLEN, Count. *Ottawa's blow to Europe* (World wide, 32nd year, no. 53, December 31, 1932, pp. 1650-1651, from the Manchester guardian). The former prime minister of Hungary sees in the Conference pacts a step backward in the realm of international well-being.
- BREBNER, J. BARTLET. *The Imperial Conference at Ottawa* (Current history, September, 1932, pp. 729-734). In this survey of recent events in the British Empire, Mr. Brebner briefly discusses among other things the Ottawa Conference, Canadian economic conditions, and the unrest in Newfoundland.
- *Imperial Conference results* (Current history, October, 1932, pp. 57-62). A clear, concise, and impartial summary of the problems and results of the Ottawa Conference.
- Canada. I. *The Ottawa Conference* (Round table, no. 89, December, 1932, pp. 174-179). A demonstration of the conflict of opinion between the Canadian political parties on the Ottawa agreements.
- CANADIENSIS. *Conferenza di Ottawa* (Gerarchia, September, 1932, pp. 713-721).
- CHEVALLIER, JEAN JACQUES. *Le droit de représentation diplomatique distincte des dominions britanniques et de l'État Libre d'Irlande* (Revue de droit international et de législation comparée, no. 2, 1932).
- La Conférence impériale* (L'actualité économique, 8^e année, nos. 3 et 4, juin-juillet, 1932, pp. 140-144). An editorial foreword on the Conference.

- DARLING, J. F. *The crisis of Ottawa* (National review, no. 596, October, 1932, pp. 443-449). Suggestions for an imperial currency and a discussion of how Canada's indebtedness to the United States could be materially alleviated by means of an imperial monetary policy.
- DUBREUIL, J. J. *Le Canada, l'Angleterre et la Conférence d'Ottawa* (Europe nouvelle, 30 juillet, 1932, pp. 936-938).
- ELLIS, Sir GEOFFREY. *Ottawa examined* (Nineteenth century, CXII (670), December, 1932, pp. 655-664). An impartial assessment of the permanent value of the Ottawa agreements.
- ELYOT, STEPHEN. *The futility of the Conference* (Canadian forum, XII (143), August, 1932, pp. 407-408). The writer argues that the Conference exposes "the real fissures [in the empire] which have hitherto been hidden beneath the gloss of racial sentimentality".
- EWART, J. S. *Canada and war* (Canadian bar review, X (8), October, 1932, pp. 495-506). A bird's-eye view of recent imperial legislation which proves not only that Canada need not participate in British wars, but that in such wars she may be neutral, and that she may on her own account declare war.
- FENTON, WALTER. *The Ottawa Conference* (Queen's quarterly, XXXIX (4), November, 1932, pp. 714-716). A brief calculation of some of the gains of the Conference.
- GOBLET, Y. M. *L'Empire britannique à Ottawa* (Revue politique et parlementaire, août, 1932, pp. 235-248).
- GRIGG, Sir EDWARD. *Leadership and action at Ottawa* (National review, XCVIII (592), June, 1932, pp. 711-719). A preliminary discussion of monetary policy and problems upon which the deliberations of the Conference should turn.
- GUYOT, RAYMOND. *La politique commerciale de la Grande-Bretagne depuis la guerre* (L'actualité économique, 8e année, nos. 5 et 6, août-septembre, 1932, pp. 169-176). The writer traces the trend, during the past twelve years, of two fiscal currents: British protection for the defence of British industry; and imperial protection for the tightening of the ties between the nations of the empire.
- HADFIELD, Sir ROBERT. *Our imperial opportunity* (Empire review, no. 377, June, 1932, pp. 354-356). On the Economic Conference.
- HARDING, E. J. *Equality of status between Great Britain and the dominions: what it means and might mean* (Public administration, VII (2), April, 1929, pp. 203-209).
- HECHT, J. S. *What I expect from Ottawa* (National review, XCVIII (591), May, 1932, pp. 600-602). The writer expects the Conference by reciprocal trade agreements to insure that primary producers in the dominions can be protected against a fall in world-prices.
- HIRST, FRANCIS W. *Les tarifs et la Conférence d'Ottawa* (Res publica, août, 1932, pp. 446-457).
- HUDSON, MANLEY O. *Notes on the Statute of Westminster, 1931*. (Reprinted from the Harvard law review, XLVI, no. 2.) Cambridge, Mass.: The Harvard Law Association. 1932. Pp. 261-289. To be reviewed later.
- JOXE, LOUIS. *La fin de la Conférence d'Ottawa* (Europe nouvelle, 27 août, 1932, pp. 1021-1022).
- KEITH, ARTHUR BERRIEDALE (ed.). *Speeches and documents on the British dominions, 1918-1931, from self-government to national sovereignty*. (The world's classics.) Oxford University Press. N.d. Pp. xlvii, 501. (60 cents) To be reviewed later.

- LAMB, DAVID. *Empire migration* (Empire review, no. 377, June, 1932, pp. 356-362). A critical discussion of the report of the Committee of the Economic Advisory Council on Empire Migration.
- LAVOIE, PAUL. *La Conférence impériale de 1930 et la politique des dominions*. (Extrait de la Revue générale de droit international public, novembre-décembre, 1932.) Paris: A. Pedone, Éditeur, 13, rue Soufflot. 1932. Pp. 777-828. To be reviewed later.
- LÉGER, AUGUSTIN. *L'empire britannique à la recherche de l'unité* (Politique, juillet, 1932, pp. 588-605). Reflections on the Ottawa Conference.
- MABANE, WILLIAM. *The Ottawa debates* (Contemporary review, 142 (804), December, 1932, pp. 672-678). A critical review of the debates in the British House of Commons on the Ottawa Agreements Bill.
- MACDONALD, PETER. *The Ottawa Conference: Its possibilities and limitations* (Empire review, no. 376, May, 1932, pp. 270-273).
- MANN, FABIO. *La posizione dei dominions e dell'India nel Commonwealth Britannico*. Con prefazione di A. C. JEMOLO. Roma: Società Editrice del "Foro Italiano". 1931. Pp. viii, 118. To be reviewed later.
- MELCHETT, Lord. *Die Wirtschaftliche Zukunft des britischen Reiches* (Nord und sud, June, 1932, pp. 527-533).
- MIGNAULT, P. B. *Quelques aperçus sur le développement du principe de l'autonomie au Canada avant et depuis le "Statute of Westminster" de 1931* (Mémoires de la Société Royale du Canada, section I, série III, XXVI, mai, 1932, pp. 45-64). A discussion under the headings: "Situation de droit and situation de fait; Colonial Laws Validity Act, 1865; Négociation de traités; Représentation du Canada auprès de pays étrangers; Les conférences impériales; Statute of Westminster, 1931."
- MINVILLE, ESDRAS. *La Conférence impériale de 1932* (L'actualité économique, 8e année, nos. 5 et 6, août-septembre, 1932, pp. 186-193). A review of the commercial agreements signed at, and some estimate of the results of, the Conference.
- Ottawa and the trade agreements* (Round table, no. 89, December, 1932, pp. 44-63). A review of the process by which the Ottawa agreements were evolved and an analysis of their economic importance.
- The Ottawa Conference* (Labour monthly, août, 1932, pp. 476-480).
- Ottawa supplement* (Economist, London, October 22, 1932). A special supplement in three parts containing analyses of: I. The extent of imperial trade; II. The fiscal history of the dominions; III. Britain's trading relations with the rest of the world.
- PALME-DUTT, R. *Ottavskaja konferentsia i krizis britanskogo kapitalizma* (Bolchévik, July 31, 1932, pp. 66-76). A discussion of the Conference and the crisis of British capitalism.
- PALUMBO, ANTONIO. *Commercio inglese à Ottawa* (Gerarchia, September, 1932, pp. 722-728).
- PHELAN, E. J. *L'Empire britannique et la communauté internationale* (Revue des sciences politiques, juillet-septembre, 1932, pp. 393-417).
- POLLET, E. *La Conférence d'Ottawa* (Revue économique internationale, septembre, 1932, pp. 523-550).
- La position de la Grande-Bretagne à la Conférence d'Ottawa* (Europe nouvelle, 13 août, 1932, pp. 989-991). Texte de la communication complémentaire de la délégation anglaise à Ottawa (27 juillet, 1932).

- POTTER, PITMAN B. *The British Imperial Economic Conference* (American journal of international law, XXVI (4) section one, October, 1932, pp. 811-813). A brief comment from outside the British Commonwealth on the failure of the Conference, what it revealed concerning imperial relations, and "the factual impossibility of imperial economic unity".
- PRÉLOT, MARCEL. *La structure constitutionnelle du "Commonwealth" britannique* (Res publica, octobre, 1932, pp. 568-590).
- Reactions to Ottawa* (Canadian comment, I (11), November, 1932, pp. 16-17). Newspaper clippings showing the trend of opinion regarding the Ottawa Conference in the Canadian, imperial, and foreign press.
- RICHMOND, Sir H. W. *Imperial defence and capture at sea in war*. London: Hutchinson. (10s. 6d.) A series of lectures. The author's conclusion is that the defence of the dominions lies primarily in dealing with the enemy's fighting forces at sea.
- SMITH, HERBERT ARTHUR (ed.). *Great Britain and the law of nations: A selection of documents illustrating the views of the government in the United Kingdom upon matters of international law*. Volume I—*States*. London: P. S. King and Son. 1932. Pp. xvi, 416. (16s.) To be reviewed later.
- STEVENSON, J. A. *The Imperial Conference at Ottawa* (Dalhousie review, XII (4), January, 1933, pp. 429-441). A review of the Conference, an analysis of some of the Canadian fiscal concessions, and an appraisal of a few of the initial consequences of the Ottawa agreements.
- TANNER, CHARLES E. *A Canadian's view of preferences* (National review, XCVIII (592), June, 1932, pp. 725-728). Observations on the discussion of imperial preferences in 1902 and 1930.
- TROTTER, REGINALD GEORGE. *The British Empire-Commonwealth: A study in political evolution*. Toronto: The Macmillan Company of Canada. 1932. Pp. x, 131. (\$1.25) To be reviewed later.
- U., F. H. *After Ottawa: Notes on the new era* (Canadian forum, XIII (145), October, 1932, pp. 6-7). The writer concludes from the results of the Conference that imperial unity cannot be realized in the economic, any more than it can be realized in the political, sphere.
- VÉZINA, FRANÇOIS. *Les Conférences impériales et la politique de préférence avant 1932* (L'actualité économique, 8^e année, nos. 5 et 6, août-septembre, 1932, pp. 177-185). A large outline of the attitude of the various Imperial Conferences up to 1932 towards the question of an imperial fiscal policy.

II. HISTORY OF CANADA

(1) General History

- DAVID, ATHANASE. *Vers notre avenir* (Revue de l'Université d'Ottawa, III (1), janvier-mars, 1933, pp. 7-19). Reflections on the future development of the French-Canadian people.
- FURBER, HOLDEN. *Henry Dundas, first Viscount Melville, 1742-1811: Political manager of Scotland, statesman, administrator of British India*. London: Oxford University Press. 1931. Pp. xii, 331. (\$4.75) An excellent biography, well printed and bound, containing maps, a very full bibliography, and a good index. There are, however, practically no references to Canada in the volume.
- GATHORNE-HARDY, G. M. *Alleged Norse remains in America* (Antiquity, VI (24), December, 1932, pp. 420-433). An interesting article about Norse remains in America with special reference to the Kensington Stone.

LASKER, BRUNO (ed.) assisted by HOLLAND, W. L. *Problems of the Pacific, 1931: Proceedings of the fourth conference of the Institute of Pacific Relations, Hangchow and Shanghai, China, October 21 to November 2.* Chicago: University of Chicago Press. 1932. Pp. xi, 548. (\$5.00) To be reviewed later.

Martinique, Guadeloupe, Guyane, St.-Pierre-Miquelon. (Guide des colonies françaises.) Paris: Société d'Éditions Géographiques, Maritimes et Coloniales. 1931. Pp. 236. (40 fr.) This volume is one of a series of guide-books, published under the patronage of the Commissariats des Colonies à l'Exposition Coloniale. It is not merely a guide-book but a brief monograph on the history, geography, economy, and peoples of the various colonies.

[NORTHWESTERN ALASKA CHAMBER OF COMMERCE.] *Nome, Alaska.* Nome: Northwestern Alaska Chamber of Commerce. 1932. Pp. 40. (50 cents) Facts concerning the resources of north-western Alaska.

The 100th anniversary souvenir of Jewish emancipation in Canada and the 50th anniversary of the Jew in the West, 1832-1932. Winnipeg: Published by the Israelite Daily Press. 1932. Pp. 60. (50 cents) A collection of letters, articles, comments, and notes regarding the Jews in Canada.

(2) New France

BESSON, MAURICE. *Histoire des colonies françaises.* Paris: Boivin et Cie. 1931. Pp. 404.

Les Blanchet (Bulletin des recherches historiques, XXXVIII (12), décembre, 1932, pp. 735-740). Genealogical and biographical notes.

BRAU, PAUL. *Trois siècles de médecine coloniale française.* Paris: Vigat. 1931. Pp. 208.

CAUVIN, HENRI. *Un grand Français: Montcalm au Canada.* Paris: Hachette. 1931. Pp. 254.

CHACK, PAUL. *L'homme d'Ouessant: Amiral du Chaffault.* Paris: Redier. 1931. Pp. 307.

DAHLINGER, CHARLES W. *The Marquis Duquesne, sieur de Menneville, founder of the City of Pittsburgh.* (Reprinted from volume 15 of the *Western Pennsylvania historical magazine*.) Pittsburgh: The Historical Society of Western Pennsylvania. 1932. Pp. x, 116. To be reviewed later.

DITCHY, JAY K. *Les Acadiens Louisianais et leur parler.* (L'Institut Français de Washington.) Paris: Librairie E. Droz; Baltimore: The Johns Hopkins Press; London: Oxford University Press. 1932. Pp. 272. To be reviewed later.

DUMONT de MONTIGNY. *L'établissement de la province de la Louisiane: Poème composé de 1728 à 1742.* Publié par le baron MARC de VILLIERS (Journal de la Société des Américanistes, n.s. XXIII (fasc. 2) 1931, pp. 273-440). A lengthy poem published with a biographical sketch of the author, who was a young officer in Louisiana in the early eighteenth century.

La famille Globensky (Bulletin des recherches historiques, XXVIII (12), décembre, 1932, pp. 705-707).

La famille Hale (Bulletin des recherches historiques, XXXVIII (12), décembre, 1932, pp. 750-751).

FRASER, ANNIE ERMATINGER. *The drum of Lanoraye.* London: Sampson Low; Toronto: The Ryerson Press. 1932. This posthumous book is from the pen of the late Miss Annie Ermatinger Fraser of Vancouver, B.C. Miss Fraser has placed her story in old Quebec in the time of Jean Talon. She did not aim at an historical romance in which a few facts are garnished by much imagination. Hers is an honest book in which history breathes again in a quaint, prim way. The plot, although perhaps thin, is adequate. Lanoraye, a young Frenchman, exiled to

Canada, is killed by the Iroquois. His drum remains as his memorial. Philippe Gaultier, Lanoraye's friend, rises high in the service of New France, but the real hero is Talon, whose hopeless love affair is most sympathetically portrayed. *The drum of Lanoraye* is an addition to Canadian historical fiction and should be welcomed by teachers and students. (W. N. SAGE)

FYERS, EVAN W. H. *The loss and recapture of St. John's, Newfoundland, in 1762* (Society for Army Historical Research, XI (44), October, 1932, pp. 201-215). The second part of an article on the operations in and around Newfoundland during the closing year of the Seven Years' War.

Généalogie de la famille Gely dit Gelly (Bulletin des recherches historiques, XXXIX (1), janvier, 1933, pp. 3-4).

GOSSELIN, AMÉDÉE. *Notes et documents concernant les gouverneurs d'Ailleboust, de Lauzon et de Lauzon-Charny* (Mémoires de la Société Royale du Canada, section I, série III, XXVI, mai, 1932, pp. 83-96). Notes on, and extracts from, documents preserved in the archives of the Séminaire de Québec concerning the nomination of Ailleboust and Lauzon-Charny as governors of New France.

JUSTIN, PÈRE. *Le R. P. Bochart de Champigny* (Bulletin des recherches historiques, XXXIX (1), janvier, 1933, pp. 44-45). Biographical and genealogical notes.

LANCOT, GUSTAVE. *Louis de Buade, Comte de Palluan et de Frontenac (1620-98)*. (*Encyclopaedia of the social sciences* edited by E. R. A. SELIGMAN, 1931, VI, pp. 499-500.) A biographical summary and a bibliography.

LAUVRIÈRE, ÉMILE. *Deux traîtres d'Acadie et leur victime: Les Latour père et fils et Charles d'Aulnay*. Paris: Librairie Plon, 8 rue Garancière. 1932. Pp. 117. To be reviewed later.

LE BLANC, DUDLEY J. *The true story of the Acadians*. [Lafayette, La.: The Tribune Publishing Company.] 1932. Pp. 96, [xiv]. (\$1.25) To be reviewed later.

LE BLANT, ROBERT. *Une sédition basque à Terre Neuve en 1690. Pièces justificatives* (Revue historique et archéologique du Béarn, janvier-février, 1932, pp. 46-64).

LÉVIS-MIREPOIX, Duc de. *François 1^{er}*. Paris: Éditions de France. 1931. Pp. 409.

LIGHTHALL, W. D. *The false plan of Hochelaga* (Transactions of the Royal Society of Canada, section II, series III, XXVI, May, 1932, pp. 181-192). Proof that the alleged "Plan of Hochelaga" published in 1556 at Venice by Gian Baptista Ramusio, in illustration of the Italian translation of Cartier's *Voyages*, is erroneous and misleading, and an attempt to construct a map in accord with the site and archaeological facts.

LOMASNEY, PATRICK J. *The Canadian Jesuits and the fur trade* (Mid-America, XV n.s. IV (3), January, 1933, pp. 139-150). An examination and refutation of the charge of illicit trafficking in furs that was often made against the Jesuits of New France.

LYAUTEY, PIERRE. *L'empire colonial français*. Paris: Éditions de France. 1931. Pp. ix, 541.

MASSICOTTE, E. Z. *Fille de chambre puis dame noble* (Bulletin des recherches historiques, XXXVIII (12), décembre, 1932, pp. 745-746). A note on the career of Thérèse Catin, afterwards the wife of Charles Ruetted d'Auteuil, sieur de Monceaux.

Mémoire du roy pour servir d'instruction au S. De Rossel capitaine de vaisseau sur les services qu'il doit rendre dans la campagne qu'il va faire en Canada (Bulletin des recherches historiques, XXXIX (1), janvier, 1933, pp. 39-41). Transcribed from the Archives of the Province of Quebec.

Paroles des Montagnes à M. le marquis de Beauharnois, gouverneur général de la Nouvelle-France (6 juillet, 1742) (Bulletin des recherches historiques, XXXIX (1), janvier, 1933, pp. 49-53). Copied from the Archives of the Province of Quebec.

- PIQUET, VICTOR. *Histoire des colonies françaises. L'empire colonial de l'ancien régime. L'empire colonial de la France moderne.* Paris: Payot. 1931. Pp. 350.
- Les Price* (Bulletin des recherches historiques, XXXVIII (12), décembre, 1932, pp. 747-749). Genealogical notes with brief biographies.
- Un recensement de l'Acadie en 1686 (suite et fin)* (Bulletin des recherches historiques, XXXVIII (12), décembre, 1932, pp. 721-734).
- Règlement d'armoiries pour la famille de Pierre Boucher* (Bulletin des recherches historiques, XXXVIII (12), décembre, 1932, pp. 760-761).
- RIDDELL, WILLIAM RENWICK. *Bygone phases of Canadian criminal law* (Journal of criminal law and criminology, XXIII (1), May-June, 1932, pp. 51-66). A description of some early Canadian criminal practices, the punishment of certain crimes, and night-club life in Montreal over two centuries ago.
- RIVIERE, P.-LOUIS. "Colonies": *Histoire des Nouvelles Frances.* Avec une lettre-préface de M. Le Maréchal Lyautey. Paris: Delagrave, Éditeur. 1932. Pp. 186. A well-illustrated history. The first part of the volume gives a brief sketch of the colonizing history of countries other than France. The second part deals with the French colonies, including an outline of the history of New France.
- ROBITAILLE, GEORGES. *Montcalm et ses historiens* (Canada français, XX (3, 4, 5), novembre, décembre, 1932, janvier, 1933, pp. 235-252; 324-335; 402-407). The Abbé Robitaille quotes and analyses the historians' estimates of Montcalm.
- ROY, PIERRE GEORGES. *Inventaire des jugements et délibérations du Conseil Supérieur de la Nouvelle-France de 1717 à 1760.* Volume I. Beauceville: L'Éclaireur, Limitée, éditeur, 1932. Pp. 355. An abridged résumé which contains, however, the essential points of the original text, which is to be found in the Archives of the Province of Quebec.
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- Inventaire des procès-verbaux des grands voyers conservés aux Archives de la Province de Québec.* Volume VI. Beauceville: L'Éclaireur, Limitée, éditeur. 1932. Pp. 303. This is the last, and the index, volume of a series, the publication of which was begun by M. Roy nine years ago.
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- La paroisse et l'habitant canadien sous le régime français* (Catholic historical review, XVIII (4), January, 1933, pp. 472-491). Notes on the life of the habitants of New France, on their social life, their houses, their amusements, clothes, food, religion, etc.
- Les Thibaudeau* (Bulletin des recherches historiques, XXXIX (1), janvier, 1933, pp. 58-59). Genealogical notes.
- THIÉRY, MAURICE. *Bougainville, soldier and sailor.* London: Grayson and Grayson. 1932. Pp. 292. (15s.) A straightforward account, translated from the French, of Bougainville's career including his service in Canada under Montcalm. With illustrations and maps.
- VOVARD, ANDRÉ. *L'amiral du Chaffault (1708-1794). Du Canada au Maroc. D'Ouesant aux prisons de Nantes.* Préface du vice-amiral MORNET. Paris: Fournier. 1931. Pp. 225. (12 fr.) Besides being a life of Chaffault, this work presents a survey of the whole of the French navy in this period and a study of French naval operations in Canada. (E. BURON)
- WEBSTER, JOHN CLARENCE. *The career of the Abbé Le Loutre in Nova Scotia,* with a translation of his autobiography. Shediac, N.B.: Privately printed. 1933. Pp. 50. An impartial presentation of all the ascertainable facts relating to the career of the Abbé Le Loutre and to the accusations which have been made against him. The writer's information is based mainly on French sources, memoirs and journals of the time, letters of governors, officers and missionaries, etc. Le Loutre's own auto-

biography is given in translation as an appendix. The manuscript of this autobiography is in the Archives of the Missions Etrangères in Paris. Dr. Webster's well-printed and well-presented little monograph is an important addition to the evidence for and against the Abbé Le Loutre.

(3) British North America before 1867

- BARRY, J. NEILSON. *Peter Corney's voyages, 1814-17* (Oregon historical quarterly, XXXIII (4), December, 1932, pp. 355-368). Excerpts from the narrative of Peter Corney, first mate on the *Columbia*, a schooner belonging to the North West Company which sailed, from 1814 to 1817, between Fort George (Astoria) and Alaska, California, Hawaiian Islands, and China.
- CHISHOLM, J. A. *More letters of Joseph Howe* (Dalhousie review, XII (4), January, 1933, pp. 481-496). Extracts from letters written between 1829 and 1842.
- La Cour des Plaidoyers Communs (Common Pleas)* (Bulletin des recherches historiques, XXXIX (1), janvier, 1933, p. 63). A note on the establishment in 1764 of the Court of Common Pleas in Quebec.
- CRUKSHANK, E. A. and HUNTER, A. F. (eds.). *The correspondence of the Honourable Peter Russell with allied documents relating to his administration of the government of Upper Canada during the official term of Lieut.-Governor J. G. Simcoe while on leave of absence*. Collected and edited for the Ontario Historical Society. Vol. I. 1796-1797. Toronto: Published by the Society. 1932. Pp. xxviii, 336. To be reviewed later.
- The deputy adjutant general's orderly book, Ticonderoga, 1776* (Bulletin of the Fort Ticonderoga Museum, III (1), January, 1933, pp. 30-57). John Trumbull's orderly book from July 10 to August 31, 1776.
- DULLES, FOSTER RHEA. *America in the Pacific*. Boston and New York: Houghton Mifflin Company. 1932. Pp. xiii, 299. (\$3.50) The extension of the control of the United States to California, Oregon, Alaska, etc., is discussed. A chapter is devoted to the negotiations of 1846 with Great Britain.
- FAUTEUX, ÆGIDIUS. *Le docteur Chénier* (Bulletin des recherches historiques, XXXVIII (12), décembre, 1932, pp. 715-717). A brief biographical notice of Jean-Olivier Chénier, the leader of the rebels of St. Eustache in the Rebellion of 1837-8.
- FOREST, LOUIS EFFINGHAM de (ed.). *Louisbourg journals, 1745*. Compiled for and published by the Society of Colonial Wars in the State of New York, through its Committee on Historical Documents. New York. 1932. Pp. xvii, 253. To be reviewed later.
- GUNDY, E. M. *Pioneer life in Ontario* (York Pioneer and Historical Society, annual report, 1932, pp. 14-16). Some notes on the Loyalist settlers, on York, and on the days of the Rebellion of 1837 in Upper Canada.
- HAMER, PHILIP M. *Tennessee and its first inhabitants* (Americana, XXVII (1), 1933, pp. 14-40). The story of the Cherokee country, the coming of the Spanish, the English, and the French, and the Anglo-French struggle for the eastern part of the Mississippi valley.
- HOWAY, F. W. *A list of trading vessels in the Maritime fur trade, 1805-1814* (Transactions of the Royal Society of Canada, section II, series III, XXVI, May, 1932, pp. 43-86). The third instalment of the list of trading vessels on the North-west coast of America, 1785-1824. During the period, 1805-1814, the activity of the Russians is noticeable but otherwise the trade is almost entirely confined to United States ships.
- INNES, A. D. *The maritime and colonial expansion of England under the Stuarts (1603-1714)*. London: Sampson Low, Marston and Co. 1931. Pp. xii, 376. (12s. 6d.) To be reviewed later.

- JOHNSON, WALTER. *Pastor invictus or rebellion in St. Eustache*. Montreal: Quality Press Limited. [The author, 388 St. James Street W., Montreal.] 1931. Pp. 78. (\$1.00) A picture of Father Jacques Paquin, curé of the village of St. Eustache during the Rebellion of 1837. To be reviewed later.
- John Trumbull at Ticonderoga from his autobiography* (Bulletin of the Fort Ticonderoga Museum, III (1), January, 1933, pp. 3-12). The account of his services at Ticonderoga in 1776 by the deputy adjutant-general of the northern army. Preceded by a brief biography of John Trumbull.
- Journal of Lieut. Rufus Wheeler of Rowley, Fort Ticonderoga, July 23 to December 10, 1776* (Essex Institute, Salem, Mass., historical collections, October, 1933).
- KENNEDY, W. P. M. *Joseph Howe (1804-73)*. (*Encyclopaedia of the social sciences* edited by E. R. A. SELIGMAN, 1932, VII, pp. 521-522.) A biographical and bibliographical summary.
- KERR, W. B. *The Stamp Act in Quebec* (English historical review, XLVII (188), October, 1932, pp. 648-651). An examination of the attitude of Quebec toward the Stamp Act, illustrated by editorial references and correspondence in the *Quebec gazette*.
- A list of Protestant house keepers in the district of Quebec (Octr. 26th 1764)* (Bulletin des recherches historiques, XXXVIII (12), décembre, 1932, pp. 753-754). From the Archives of the Province of Quebec.
- MACNUTT, W. S. *Why Halifax was founded* (Dalhousie review, XII (4), January, 1933, pp. 524-532). A résumé of the plan of Lord Halifax for the settlement of Nova Scotia which, the writer points out, is the only North American colony planted with a deliberately imperial purpose.
- MASSICOTTE, E. Z. *Actes de décès notariés* (Bulletin des recherches historiques, XXXVIII (12), décembre, 1932, pp. 713-714). "Extraits mortuaires des Srs Bernard Beau-bien, Pierre Collet, et Louis de Chapt de la Corne, du 28 oct. 1775."
- MORRELL, FRANK W. *The influence of sea power on American colonial wars* (United States Naval Institute proceedings, 58 (352), June, 1932, pp. 860-864). The writer affirms that the unconscious rise of sea-power was the determining factor in the British conquest of New France.
- PORTER, KENNETH W. *More about the brig Pedler, 1813-16* (Oregon historical quarterly, XXXIII (4), December, 1932, pp. 311-312). Additional notes to an article which appeared in the *Quarterly* of September, 1930.
- RIDDELL, WILLIAM RENWICK. *An early description of Detroit* (Michigan history magazine, XVII (1), winter, 1933, pp. 47-51). A memorandum describing Detroit in 1765 reprinted from the *Acts of the Privy Council of England, colonial series* (London, 1912), VI.
- "The Swan of Lichfield" and Lieutenant-Governor Simcoe (Transactions of the Royal Society of Canada, section II, series III, XXVI, May, 1932, pp. 1-3). An epitaph on Simcoe written by Miss Anna Seward (1747-1809).
- ROBERTSON, DOUGLAS S. (ed.). *An Englishman in America, 1785. Being the diary of Joseph Hadfield*. Toronto: The Hunter-Rose Company. 1933. Pp. ix, 232. To be reviewed later.
- SAVELLE, MAX. *George Morgan, colony builder*. New York: Columbia University Press. 1932. Pp. xiv, 266. (\$3.00) To be reviewed later.
- SKELTON, O. D. *Sir Alexander Tilloch Galt (1817-93)*. (*Encyclopaedia of the social sciences* edited by E. R. A. SELIGMAN, 1931, VI, p. 553.) A short summary of his career.

- SKINNER, CONSTANCE LINDSAY. *The Hudson's Bay Company* (Junior Red Cross journal, IX (5), January, 1933, pp. 101-103). A brief, illustrated outline of the Company's history.
- SMITH, WALDO. *An agent of the Bible Society in Canada, 1838-1842* (Canadian journal of religious thought, IX (4), November-December, 1932, pp. 272-280). An account of the journeyings in Canada of James Thomson and of his references to conditions in the various communities.
- SULLIVAN, EDWARD DEAN. *Benedict Arnold, military racketeer*. New York: The Vanguard Press. 1932. Pp. xiii, 306. (\$3.00) To be reviewed later.
- TALMAN, JAMES J. *Extracts from the diary of Capt. John Thomson, who settled in Orillia, Ontario, in 1832*. Reprint of articles contributed to the *Orillia Packet and Times* [May 26, June 2, June 23, July 14, 1932]. 1932. Pp. 16. Selections from the diary of a half pay officer of Orillia in the 1830's which give an interesting and valuable picture of pioneer life in Upper Canada.
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- A secret military document, 1825* (American historical review, XXXVIII (2), January, 1933, pp. 295-300). A description of the *Copy of a report to his grace the Duke of Wellington, master general of his majesty's ordnance, etc., etc., relative to his majesty's North American provinces by a commission of which M. General Sir James Carmichael Smyth was president, Lieut.-Colonel Sir George Hoste, Captain Harris members* (twenty-five copies lithographed, London? 1825). The fifty-second paragraph of this report "on the vulnerable points of America" was, however, not lithographed, but four copies were made. The lines of attack on the United States proposed by the commissioners were contained in this paragraph which is here given in full.
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- UNDERHILL, FRANK H. *Robert Fleming Gourlay (1778-1863)*. (*Encyclopaedia of the social sciences* edited by E. R. A. SELIGMAN, 1932, VII, p. 6.) A brief biography and a select bibliography.
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- Sir Sandford Fleming (1827-1915)*. (*Encyclopaedia of the social sciences* edited by E. R. A. SELIGMAN, 1931, VI, p. 280.) A brief outline of his career.
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- VAN WART, HORACE HUME (comp.). *The United Empire Loyalists' Association of Canada*. Toronto: The United Empire Loyalists' Association Press. N.d. Pp. 15. A brief outline of the United Empire Loyalist movement with a short history of the present association.
- WALLACE, W. S. (ed.). *John McLean's notes of a twenty-five years' service in the Hudson's Bay territory*. (The publications of the Champlain Society, XIX.) Toronto: The Champlain Society. 1932. Pp. xxxvi, 402. To be reviewed later.
- WOODWARD, ARTHUR. *A brief history of the Montreal medal* (Bulletin of the Fort Ticonderoga Museum, III (1), January, 1933, pp. 15-29). The story of the medals presented to the faithful Indians who proceeded with the British army against Montreal in 1760.
- WRIGHT, JOHN W. *Notes on the siege of Yorktown in 1781 with special reference to the conduct of a siege in the eighteenth century* (William and Mary College quarterly historical magazine, XII, 2nd series (4), October, 1932, pp. 229-250).
- WRINCH, LEONARD A. *The foundation of the Puget's Sound Agricultural Company* (Washington historical quarterly, XXIV (1), January, 1933, pp. 3-8). Information about the founding of a company in 1839 for "the rearing of flocks and herds on an extensive scale" and for "the cultivation of other agricultural produce, in the District of country situated to the northward of the Columbia River".

(4) The Dominion of Canada

- BREBNER, J. BARTLET. *William Alexander Foster (1840-88)*. (*Encyclopaedia of the social sciences* edited by E. R. A. SELIGMAN, 1931, VI, p. 400.) A brief but comprehensive biographical note with a select bibliography.
- Le budget canadien de 1932* (L'actualité économique, 8^e année, no. 1, avril, 1932, pp. 23-27). A critical review of the budget.
- CLARK, Sir WILLIAM. *Four years in Canada* (United Empire, XXIV (1), January, 1933, pp. 25-34). An account by the British high commissioner at Ottawa which gives some insight into the conditions of Canadian economic and political life which determine Canada's attitude towards imperial problems.
- HILL, NORMAN L. *International commissions of inquiry and conciliation* (International conciliation published by the Carnegie Endowment for International Peace, no. 278, March, 1932, pp. 54). Gives a brief description of the International Joint Commission for the United States and Canada.
- KELLY, M. A. EARLE. *Canada and the United States* (National review, XCVIII (587), January, 1932, pp. 79-86). An answer to Miss Shlakman's view that American influence is stronger than British in Canada. See entry under Schlakman in this bibliography, page 52.
- KENNEDY, W. P. M. *The law of Canadian "nationals"* (South African law times, I (5), May, 1932, pp. 108-110).
- MACKAY, ROBERT A. *Government—Dominion of Canada*. (*Encyclopaedia of the social sciences* edited by E. R. A. SELIGMAN, 1932, VII, pp. 27-29.) A clear and concise outline of the Canadian system of government.
- MACKENZIE, N. A. *Has Canada a policy in the Far East?* (Canadian forum, XIII (148), January, 1933, pp. 126-127).
- *Legislative control over aviation in Canada* (Air law review, III (4), October, 1932, pp. 407-416).
- The Memorial Chamber in the Peace Tower, Houses of Parliament, Ottawa, Canada*. Ottawa: The Photogelatine Engraving Company. 1932. Pp. [34.] A very beautifully illustrated description.
- MORIN, VICTOR. *Les traités du gouvernement canadien avec les Indiens du Nord-Ouest* (Mémoires de la Société Royale du Canada, section I, série III, XXVI, mai, 1932, pp. 181-190). A résumé of the eleven treaties signed between the Canadian government and the Indians of the North-west in the years between 1871 and 1921.
- OLIVER, EDMUND H. *Peter Veregin* (Transactions of the Royal Society of Canada, section II, series III, XXVI, May, 1932, pp. 97-123). An estimate of the life and work of Peter Vasilyevitch Veregin, leader of the Doukhobor community in Canada.
- PERLEY, Sir GEORGE H. *The Canadian position on disarmament* (Interdependence, a review published by the League of Nations Society, Ottawa, April, 1932). Context of the complete statement which Sir George Perley, leader of the Canadian delegation, delivered on behalf of Canada before the World Disarmament Conference on February 13, 1932.
- Le rapport Gibb* (L'actualité économique, 8^e année, no. 1, avril, 1932, pp. 27-30). A review of the report on Canadian ports submitted by Sir Alexander Gibb to the federal government.
- REID, R. L. *Alfred Waddington* (Transactions of the Royal Society of Canada, section II, series III, XXVI, May, 1932, pp. 13-27). Facts about Alfred Waddington whose information and plans were potent factors in the development of the Canadian West by a transcontinental railway.

SHLAKMAN, V. *Can the Canadians conquer Canada?* (National review, XCVII (584), October, 1931, pp. 480-486). Reflections on the cultural and social struggle between British and American forces for the control of Canada, and the influence on Canadian national thought and consciousness of American broadcasting, moving-pictures, magazines, and immigration.

SURVEYER, E. FABRE. *The first International Congress of Comparative Law*. Printed privately. 1932. N.p. This is an account of the first International Congress of Comparative Law held at The Hague in August, 1932, under the auspices of the Académie de Droit Comparé, at which Canadian lawyers and jurors were represented by the Honourable Mr. Justice Surveyer and Mr. L. E. Beaulieu, K.C., bâtonnier of the Montreal Bar. The writer refers to the reports on Canadian law presented to the Congress by the Canadian National Committee of the Canadian Bar Association with the Right Honourable Mr. Justice Duff as chairman and Professor W. P. M. Kennedy as secretary. In all, fifteen Canadian reports were presented. Mr. Justice Surveyer makes the important suggestion that a Canadian publisher should print these Canadian reports in a separate volume. (W. P. M. K.)

TEELING, WILLIAM. *England's French dominion?* London: Hutchinson and Co. N.d. Pp. 287. (7s. 6d.) Reviewed on page 80.

[YORK PIONEER AND HISTORICAL SOCIETY.] *Report for the year 1931*. 1932. Pp. 40. Contains extracts from papers, reports, the constitution and by-laws of the society, and a list of its members.

III. PROVINCIAL AND LOCAL HISTORY

(1) The Maritime Provinces

BERNARD, ANTOINE. *Le pays d'Évangéline* (Canada français, XX (5), janvier, 1933, pp. 424-434). A geographical survey of the Maritime Provinces.

BYRNES, JOHN MACLAY. *The paths to yesterday: Memories of old St. John's, Newfoundland*. Boston, Mass.: Meador Publishing Company. 1931. Pp. 235. Reviewed on page 72.

FORBIN, VICTOR. *Pèlerinage en Acadie (avril, 1932)* (Revue des deux mondes, XII, 1^{er} novembre, 1932, pp. 94-125). The writer wanders through the Maritime Provinces with the object of finding out what has become of the descendants of the French who remained in Acadia after the expulsion.

ROBERTS, THEODORE GOODRIDGE. *The old grey port of Saint John* (Canadian geographical journal, V (4-6), December, 1932, pp. 215-226). An illustrated, historical description, and the story of Madame de La Tour and Charnisay.

(2) The Province of Quebec

AUCLAIR, ÉLIE-J. *Saint-Vincent-de-Paul de l'île Jésus: Étude historique présentée à la Société Royale du Canada* (Mémoires de la Société Royale du Canada, section I, série III, XXVI, mai, 1932, pp. 139-156). Detailed and interesting notes on a village of old Quebec.

GRAVEL, ALBERT. *Histoire du Lac Mégantic*. Sherbrooke: Typ. de "La Tribune". 1931. Pp. 137. A history of the town of Mégantic in the County of Frontenac in the Province of Quebec. The Abbé Gravel tells of the early beginnings of the town, of the Abenakis mission on Lake Mégantic, of Arnold's invasion of the district in 1775, of pioneering days, and of modern industrial development.

Lois fédérales et locales relatives à Lévis (Bulletin des recherches historiques, XXXIX (1), janvier, 1933, pp. 30-38). Acts and laws relating to the City of Lévis enacted since 1860.

Pages trifluviennes, série B, no. 1. *Mémorial trifluvien*. Deuxième partie par le Dr. LOUIS GEORGES GODIN. Les Trois-Rivières: Les éditions du "Bien Public". N.d. Pp. 46. To be reviewed later.

PELLETIER, BURROUGHS. *La vieille croix du cimetière des sauvages à Chicoutimi* (Bulletin des recherches historiques, XXXVIII (12), décembre, 1932, pp. 741-742).

STEVENSON, G. DELAP. *Old France in Canada* (National review, no. 593, July, 1932, pp. 97-98). A brief note on French-Canadian life in Quebec.

(3) The Province of Ontario

BYERLY, ALPHEUS EDWARD. *The history of Lower Nichol*. Fergus, Ontario: News Record. 1930. Pp. 16.

CANFIELD, MRS. E. J. *Street names of Woodstock*. [Woodstock, Ontario: 1932.] Pp. 8. An interesting paper given before the Oxford Historical Society, 1932.

FRASER, ALEXANDER. *Twentieth report of the Department of Public Records and Archives of Ontario, 1931*. Toronto: Herbert H. Ball, King's Printer. 1932. Pp. ix, 222. This report continues the publication of the Upper Canada land books begun with the seventeenth report of the Department in 1928 and brings these records up to July 13, 1798. The minutes printed here are not only useful as illustrating methods of granting land in Upper Canada, but are almost an index to the early settlers in the province, as practically every inhabitant was a land-owner. The index, which makes up one-eighth of the volume, is valuable for reference as general subjects such as barristers, clergy, clergy reserves, Indians, iron works, etc., have been listed, as well as names and places; and variations in the spelling of surnames are indicated in brackets.

HENDERSON, JOHN. *Ontario: The story of a great province of Canada*. Written by JOHN HENDERSON, assisted by FRANK FAIRBROTHER, with an introduction by the Hon. G. HOWARD FERGUSON. Toronto: The Macmillan Company of Canada. 1931. Pp. x, 213. The authors are to be congratulated not only upon their interesting material but upon the fine format in which it is presented. This is a readable, descriptive account of the province with particular reference to some phases of its development in regard to transportation, mining, forestry, and agriculture. Accounts of Indians, exploration, pioneer life, and the growth of educational facilities are found throughout. The beautiful illustrations are not only attractive in themselves but they create an immediate interest in the subject. The historical student may detect certain discrepancies in fact which are not of vital importance in a general work of this kind. But this work must not be considered an historical treatise; it is rather a means of acquainting readers with a province so large in extent and so varied in conditions that those who live in one section may regard other sections as almost foreign. One who has studied the vehement controversies of the twenties and thirties is surprised to have Egerton Ryerson described as "gentle" (p. 115). (M. A. GARLAND)

KERR, JAMES. *Two Ontario cities and an early Scots novelist* (Canadian bookman, XIV (10), November, 1932, pp. 123-124). Some facts about John Galt and the founding of the cities of Galt and Guelph.

MORDEN, JAMES C. *Historic Niagara Falls*. Corroborated by information gleaned from various sources. With portraits and illustrations. Published under the direction of the Lundy's Lane Historical Society. Niagara Falls, Canada: Lindsay Press. 1932. Pp. 117. To be reviewed later.

POOLE, EVELYN LAVINA. *History of the MacFarlanes, 1831-1931*. London, Ontario: Privately printed, Middlesex Printing Company. 1931. Pp. 79. A family record of John MacFarlane and Isabella Henderson, his wife, who came to Upper Canada from Argyllshire, Scotland, in 1842, and of their descendants.

SINCLAIR, HUNTLY M. *Eighty years of progress* (Journal of the Canadian Bankers' Association, XL (2), January, 1933, pp. 211-216). An estimate of Canada's progress in the last eighty years as illustrated by the Counties of Carleton and Stormont in Ontario.

(4) The Prairie Provinces

- BELL, CHARLES NAPIER. *Prehistoric man in Manitoba* (Winnipeg free press, magazine section, January 14, 1933). A description of the mounds scattered throughout Manitoba and some notes on the Mound Builders.
- BURNETT, FRANK. *Memories of a struggle* (Canadian magazine, LXXIX (1), January, 1933, pp. 16, 40). Reminiscences of pioneering days in Manitoba in 1879 and the early 1880's.
- EGENOLF, JOSEF LUDWIG. *Mit dem Flugzeug uebers Oedland* (Monatsblaetter der Oblaten der Unbefleckten Jungfrau Maria, Fluenfeld, Hessen-Nassau, January, 1933, pp. 15-19). An interesting description of a flight from Reindeer Lake to the north in search of a missing plane. (L. H.)
- HURD, W. BURTON and GRINDLEY, T. W. *Agriculture, climate and population of the Prairie Provinces of Canada*. Ottawa: F. A. Acland. 1931. Pp. 102.
- PRUD'HOMME, L. A. *Gabriel Lafournaise dit La Boucanne* (Mémoires de la Société Royale du Canada, section I, série III, XXVI, mai, 1932, pp. 161-166). A résumé of the life and adventures of a pioneer of the Canadian West (1816-1910).
- ROSENBERG, LOUIS. *Jews in agriculture in western Canada* (*The 100th anniversary souvenir of Jewish emancipation in Canada*, Winnipeg, 1932, pp. 54-58). Facts and statistics about the various Jewish farming communities in western Canada.
- WILDER, H. E. *History of the Jews in Canada* (*The 100th anniversary souvenir of Jewish emancipation in Canada*, Winnipeg, 1932, pp. 5-36). This is the first attempt to publish a connected story of the Jew in western Canada, particularly in Manitoba. The writer traces the various streams of Jewish immigration to the West and touches on various phases of Jewish life and activity in Winnipeg.

(5) British Columbia and the North-west Coast

- BURN, A. PELHAM. *Canada's furthest west: Sidelights on British Columbia* (Empire review, no. 384, January, 1933, pp. 23-28). A casual survey of the tourist trade, the lumber industry, a Danish settlement, etc., in British Columbia.
- MUNDAY, DON. *Canada's newest mountain* (Canadian geographical journal, V (4-6), December, 1932, pp. 227-238). An illustrated description and a history of the exploration of the Homathko valley in British Columbia.
- SAGE, WALTER N. *The critical period of British Columbia history, 1866-1871* (Pacific historical review, I (4), December, 1932, pp. 424-443). A summary of events in the critical years leading up to the entrance of British Columbia into the newly formed Canadian dominion.

(6) North-west Territories and the Arctic Regions

- BLOSSOM, FREDERICK A. (ed.). *Told at the explorers' club: True tales of modern exploration*. London: Harrap. (10s. 6d.) The stories of thirty-three adventurers. Burt McConnell tells how he rescued the Karluk survivors on Wrangel Island, and describes his adventures in 1929 in northern Quebec.
- KELLY, M. A. EARLE. *Reindeer at Mackenzie* (National review, XCVIII (588), February, 1932, pp. 215-218). An account of the importation from western Alaska of a herd of reindeer to the Mackenzie River district, where it will form the nucleus of herds to be planted across northern Canada to provide a permanent supply of food and clothing for the Eskimo.
- POWELL, EDWARD ALEXANDER. *Marches of the north, from Cape Breton to the Klondike*. New York: The Century Company. 1931. Pp. x, 311. (\$4.00) Illustrated with photographs.

IV. GEOGRAPHY, ECONOMICS, AND STATISTICS

(1) General

- CHAMBERS, HAROLD V. *Awakening neighbours* (Canadian exporter, Montreal, October, 1932). An outline of the increasing trade of Canada with the British West Indies.
- GLASS, LESTER S. *Canadian-West Indian trade* (Canada-West Indies magazine, XXII (2), January, 1933, pp. 58-59).
- GRATTON, VALMORE. *La conjoncture économique du Canada* (L'actualité économique, 8^e année, nos. 3-4, 7, 9, juin-juillet, octobre, décembre, 1932, pp. 134-139; 275-278; 381-385). An economic and financial survey of recent months.
- HIRST, W. A. *The empire and raw materials* (Empire review, no. 384, January, 1933, pp. 17-22). An appraisal of the empire's supply of raw materials, exclusive of wheat and food-stuffs.
- INNIS, HAROLD A. *Fur trade and industry*. (Encyclopaedia of the social sciences edited by E. R. A. SELIGMAN, 1931, VI, pp. 530-536.) An historical outline of the industry, including the trade on the North American continent, and the developments of the twentieth century. With a comprehensive bibliography.
- LAUREYS, HENRY. *Nos relations commerciales avec la Pologne* (L'actualité économique 8^e année, nos. 3 et 4, juin-juillet, 1932, pp. 97-104).
- LOGAN, HAROLD A. *Unemployment insurance in Canada* (Canadian unionist, VI (5), October, 1932, pp. 86-87, 96).
- MCLEOD, J. A. *Problems facing Canada* (Journal of the Canadian Bankers' Association, XL (2), January, 1933, pp. 159-165). A summary of some of the financial, economic, and banking problems which face Canada to-day.
- MONTPETIT, ÉDOUARD. *Sous le signe de l'or*. (Documents économiques.) Montréal: Éditions Albert Lévesque. 1932. Pp. 305. (\$1.00) To be reviewed later.
- Our neighborly tariff* (Virginia quarterly review, January, 1932). A discussion of the 1930 Tariff Act in relation to the trade of Canada with the United States.
- Shipping report of the Dominion of Canada, 1932*. Ottawa: Department of National Revenue. 1932. Pp. 107. A report compiled from official returns by the Department of National Revenue (Customs Division). Contains statements on Canadian navigation and shipping for the year ended March 31, 1932.
- STAFFORD, LAWRENCE. *Canada and the American tariff* (Canadian forum, XII (144), September, 1932, pp. 447-449). A condemnation of, and an attempt to explain, American treatment of Canada in relation to tariffs.
- Le tourisme au Canada en 1931* (L'actualité économique, 8^e année, nos. 3 et 4, juin-juillet, 1932, pp. 144-147).

(2) Agriculture

- BRAYHAM, E. F. *Canadian wheat production: How vulnerability may be relieved* (United Empire, XXIII (11), November, 1932, pp. 588-590).
- DEMETRIAD, PAUL. *Organizarea sindicatelor pentru vânzarea cerealelor în Canada și exploatarea de magazine cu silozuri* (Buletinul Institutul economic românesc, Bucharest, April-June, 1932, pp. 156-178). An account of the organization of wheat pools in Canada.
- DRUMMOND, W. M. *The world wheat situation* (Canadian forum, XIII (148), January, 1933, pp. 127-129). An attempt to explain the recent changes in supply and demand in relation to wheat.
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(3) Communications

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(4) Geography

GANONG, W. F. *Crucial maps in the early cartography and place-nomenclature of the Atlantic coast of Canada*, IV (Transactions of the Royal Society of Canada, section II, series III, XXVI, May, 1932, pp. 125-179). The present paper deals with the Ribero-type maps of 1525-29 and the Chaves-type maps of 1536-42 in relation to the Spanish voyage of Gomez in 1525.

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- DELOCHE, MAXIMIN. *Un missionnaire français en Amérique au XVIII^e siècle. Contribution à l'histoire des établissements français en Louisiane* (Bulletin, section de géographie, XLV, 1930). The correspondence of Dominique Varlet, during the time that he was a missionary in Louisiana (1713-1717). (E. BURON)
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VII. BIBLIOGRAPHY

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AUDET, FRANCIS-J. *William Brown (1737-1789), premier imprimeur, journaliste et libraire de Québec. Sa vie et ses œuvres* (Mémoires de la Société Royale du Canada, section I, série III, XXVI, mai, 1932, pp. 97-112).

BARBEAU, MARIUS. *Deux de nos plus belles chansons* (Revue trimestrielle canadienne, 19^{ème} année, no. 72, décembre, 1932, pp. 424-439). Music, text, and history of two folk-songs in New France—*Germiné* and *Renaud*.

_____. *Folk-songs of French Canada* (Music and letters, XIII (2), April, 1932, pp. 169-182).

_____. *Quebec wood carvers* (Dalhousie review, XII (2), July, 1932, pp. 182-191). An examination of the school of wood-carvers of Quebec between the years 1780 and 1850.

_____. *The witch canoe—La Chasse Gallery* (Canadian geographical journal, V (4-6), December, 1932, pp. 205-213). A folk-story of the lumbermen of the Gatineau.

Bas-reliefs. (Pages trifluviennes, série C, no. 1.) Les Trois-Rivières: Les éditions du "Bien Public". N.d. Pp. 45. A collection of poems by several writers. "L'épopée trifluviennne" by Rodolphe Dubé is a series of poems illustrating various themes of Canadian history.

BAYARD, EMILE. *L'art de reconnaître les styles coloniaux de la France*. Paris: Garnier. 1931. Pp. viii, 328. (25 fr.) A study of artistic expression in all its forms—architecture, decoration, etc.—in the French colonies in Asia, Africa, and North America. (E. BURON)

CHARTIER, EMILE. *La vie de l'esprit au Canada français. 2^e étude. Au lendemain de la conquête (1760-1792)* (Mémoires de la Société Royale du Canada, section I, série III, XXVI, mai, 1932, pp. 167-180). An analysis of French-Canadian literature and thought in the years immediately following the English conquest.

CREIGHTON, HELEN. *Ballads from Devil's Island* (Dalhousie review, XII (4), January, 1933, pp. 503-510). An account of the folk-songs and ballads of Devil's Island at the mouth of Halifax harbour.

FETHERSTONHAUGH, R. C. *A raconteur of the Laurentians* (Dalhousie review, XII (3), October, 1932, pp. 354-359). An appreciation of the work of Dr. Edmond Grignon who, under the pen-name "Vieux Doc", has written stories of his many years as a doctor in the Laurentians.

HÉBERT, MAURICE. *Le livre canadien-français* (Canada français, XX(2), octobre, 1932, pp. 158-167). Mr. Hébert discusses French-Canadian literature as an "expression d'une culture de plus en plus originale et vigoureuse".

_____. *Les livres de récompense du petit Canadien* (Canada français, XX (3), novembre, 1932, pp. 260-263). A discussion of French-Canadian books for children.

HUGOLIN, R. P. *Un peintre de renom à Québec en 1670: le diacre Luc François, récollet* (Mémoires de la Société Royale du Canada, section I, série III, XXVI, mai, 1932, pp. 65-82).

LANCOT, GUSTAVE. *François Xavier Garneau (1800-66)*. (Encyclopaedia of the social sciences edited by E. R. A. SELIGMAN, 1931, VI, p. 585.) A biographical and bibliographical note.

McLAREN, JACK. *Our great ones: Twelve caricatures cut in linoleum* with footnotes by MERRILL DENISON and a foreword by E. J. PRATT. Toronto: The Ryerson Press. 1932. Pp. [52.] (\$3.50 trade, \$10.00 de luxe.) Reviewed on p. 76.

MASSICOTTE, E. Z. *Encore les Montagnards* (Bulletin des recherches historiques, XXXIX (1), janvier, 1932, p. 43). A note on a celebrated troop of singers of the mid-nineteenth century in Quebec.

MASSICOTTE, E. Z. *La récolte du diable* (Bulletin des recherches historiques, XXXVIII (11), novembre, 1932, pp. 668-672). A French-Canadian folk-song.

— *Trois grands artistes* (Bulletin des recherches historiques, XXXIX (1), janvier, 1933, pp. 5-10). Biographical and genealogical notes on Arthur, Emery, and Ernest Lavigne, musicians of Quebec Province of the nineteenth and early twentieth centuries.

NOBBS, PERCY E. *Present tendencies affecting architecture in Canada* (McGill University publications, series XIII, art and architecture, no. 29.) (Reprinted from the Journal, Royal Architectural Institute of Canada, VII, July, September, and November, 1930.) Montreal: 1931. Pp. 12. A discourse on the influences at work on architecture in Canada—the older traditions and the newer schools of thought.

R., A. *Célestin Lavigne* (Bulletin des recherches historiques, XXXVIII (12), décembre, 1932, pp. 710-712). Born in Quebec in 1830, Célestin Lavigne was an artist, musician, composer, and poet.

ROY, CAMILLE. *Regards sur les lettres*. Québec: L'Action Sociale Ltée. 1931. Reflections on French-Canadian writers.

Tradition and progress in Canadian architecture (Studio, August, 1932, pp. 82-91). A special article, showing the influences which are prominent in Canadian architecture with illustrations which give evidence of a gradual crystallization of style.

UNDERHILL, FRANK H. *J. W. Dajoe* (Canadian forum, XIII (145), October, 1932, pp. 23-24). An appreciation of an outstanding Canadian journalist and of the *Winnipeg free press*.

WOODLEY, EDWARD CARRUTHERS. *Legends of French Canada*. Toronto: Thomas Nelson and Sons. 1931. Pp. vii, 105. (\$1.50) A collection of French-Canadian folk-lore, attractively illustrated by Kathleen Shackleton.

IX. ETHNOLOGY, ANTHROPOLOGY, AND ARCHÆOLOGY

(Contributed by Professor T. F. McIlwraith.)

ADAM, LEONHARD. *Problem asiatisch-amerikanischer kulturbeziehungen* (Wiener beiträge zur kunst- und kulturgeschichte Asiens, V, 1931, pp. 40-64). After a critical summary of recent views on the subject of Asiatic-American cultural affinities, the author points out that resemblances between the art of the North-west coast, Honduras, and China in the Chou dynasty suggest a common origin.

BARBEAU, MARIUS. *Asiatic migrations into America* (CANADIAN HISTORICAL REVIEW, XIII (4), December, 1932, pp. 403-417). Genealogical studies among the Indians of northern British Columbia show an actual southern movement, in the course of several generations, of small groups; it must have been in a similar manner that the populating of America was carried out.

— *Indian eloquence* (Queen's quarterly, XXXIX (3), August, 1932, pp. 451-464).

— *The Thunder Bird of the mountains* (University of Toronto quarterly, II (1), October, 1932, pp. 92-110). Although native culture on the Nass River, northern British Columbia, has almost disappeared, there remain a few old singers, and a number of fine totem poles: contact with the natives gives a glimpse into the world of the past to which this art belongs.

— *Totem poles: a recent native art of the North-west coast of America* (Annual Report of the Board of Regents of the Smithsonian Institution for 1931: Washington, 1932, pp. 559-570, 6 plates). This is a reprinted article from the *Geographical review*, noted in this bibliography in 1930.

- BIRKET-SMITH, KAJ. *Contributions to Chipewyan ethnology*. (Report of the Fifth Thule Expedition 1921-24, VI (3).) Copenhagen: Gyldendalske Boghandel, Nordisk Forlag. 1930. Pp. 113; 38 illustrations. The purpose of the Fifth Thule Expedition was a detailed study of the Eskimo. This necessarily included their cultural position in the Arctic, and their relations with neighbouring tribes; it was accordingly natural that advantage should be taken of the opportunity to study one of these tribes, the Chipewyan of the lower Churchill River. This group, more specifically known as the Caribou-Eaters, inhabit the edge of the woodland; the two essentials of their life are caribou and the forest, necessitating a constant wandering—to the barren grounds in summer, to the woods in winter. They are the most north-easterly of the Athabaskan stock, and have been bitter enemies of both the Algonkian Cree and the Caribou Eskimo. While this paper adheres to the strictly scientific technique of the Thule reports, it is less detailed than the Eskimo work, consisting largely of descriptions of material culture and of legends, with rather brief expositions of religious and social customs. The author analyses the elements common to their culture and that of the Caribou Eskimo.
- BLACKWOOD, BEATRICE. *Tales of the Chippewa Indians* (Folk-lore, XL (4), December 1929, pp. 315-344). This collection of Chippewa tales adds to the number of myths recorded from this tribe, and also provides data on the stability of certain types by giving modern versions of stories published eighty years ago.
- BOAS, FRANZ. *Current beliefs of the Kwakiutl Indians* (Journal of American folk-lore, XLV (176), April-June, 1932 (issued, January, 1933), pp. 177-260). At frequent intervals during the last forty-five years, Professor Boas has conducted anthropological investigations among the Kwakiutl of Vancouver Island. This article is a compilation of 759 short items of belief or ritual, some published for the first time, others culled from his many writings. They include prohibitions or compulsions at birth, adolescence, and death; signs, omens, and portents of nature; charms for hunting, wealth, or good fortune; medicines; love potions, and a host of practices which cannot be classified. Presented *en masse* in this way, they throw much light on Kwakiutl mentality.
- *Note on some recent changes in the Kwakiutl language* (International journal of American linguistics, VII (1-2), March, 1932, pp. 90-93). Examples are given of modifications in Kwakiutl due to contact with white people.
- *Recent work on American Indian languages* (Science, LXXV (1949), May 6, 1932, pp. 489-491). This is virtually an interim report of a committee of the American Council of Learned Societies, which was appointed to further study of American Indian languages. A useful list is given of recent investigations, of publications which have actually appeared, of others ready for the press, and of material under way.
- BULL, NORRIS L. *Monolithic axe found in Connecticut*. Hartford, Conn.: 1931. Pp. 22; 4 plates. The finding of a monolithic stone axe in Connecticut raises problems of extensive pre-Columbian trade, and also of the origin and distribution of this type of implement.
- COLLINS, HENRY B., JR. *Archaeological investigations in northern Alaska* (Explorations and field-work of the Smithsonian Institution in 1931: Washington, Smithsonian Institution (publication 3134), 1932, pp. 103-112). This is an interesting account of field-work in Alaska and on St. Lawrence Island, with illustrations of some of the important objects discovered.
- *Caries and crowding in the teeth of the living Alaskan Eskimo* (American journal of physical anthropology, XVI (4), April-June, 1932, pp. 451-462). Examination of 296 Alaskan Eskimo reveal a higher percentage both of caries and of crowded teeth than is the case for prehistoric skulls. This appears to be due to changed diet.
- *Prehistoric Eskimo culture on St. Lawrence Island* (Geographical review, XXII (1), January, 1932, pp. 107-119). Excavations on St. Lawrence Island in Bering Strait are of great importance in determining Eskimo cultural sequence, due to the presence of superimposed sites; the exact development is not clear, but the author's recent work indicates that the wide-spread Thule culture is less ancient than had been supposed.

CRANE, WARREN E. *Totem tales*. New York: Fleming H. Revell Co. 1932. Pp. 95; 4 plates. This is a selection of Indian legends, largely from the North-west coast, told in simple language for children.

CREMEANS, LOLA M. *Clothing of Eskimos on St. Lawrence Island* (Journal of home economics, XXII (8), August, 1930, pp. 645-652). The suitability of Eskimo skin clothing to Arctic conditions has led to its continued use when other elements of native material culture have been abandoned; nevertheless, innovations have crept in, affecting both style and workmanship.

Food habits of the Eskimo people of St. Lawrence Island as ascertained by the Bunnell-Geist Expedition (Journal of home economics, XXII (4), April, 1930, pp. 263-269). This is a readable account of the routine of daily life among the modern Eskimo of St. Lawrence Island regarding diet, the cooking and serving of food, and, to a certain extent, the catching of game.

Homes of Eskimos on St. Lawrence Island (Journal of home economics, XXIII (2), February, 1931, pp. 129-131). The Eskimo of St. Lawrence Island, Bering Strait, build houses of drift-wood, laboriously collected, and roofed with walrus hides; the interior furnishings consist only of skins.

DANGEL, RICHARD. *Der kampf der kraniche mit den pygmäen bei den Indianern Nord-amerikas* (Studi e materiali di storia d. relig. (Scuola di studi storico-religiosi, Università di Roma), VII (3-4), 1931, pp. 128-135). Since pygmies never existed in North America, there can be no historical basis for the wide-spread Indian tradition of a struggle between dwarfs and herons; this tale belongs, accordingly, to the category of fabulous adventures.

DECELLES, ALFRED, fils. *Les peaux-rouges du Canada* (Revue anthropologique, XLII (4-6), avril-juin, 1932, pp. 174-180). The author gives a brief description of the Abenaki of Quebec Province, illustrated with a few examples of their language.

DENSMORE, FRANCES. *An explanation of a trick performed by Indian jugglers* (American anthropologist, XXXIV (2), April-June, 1932, pp. 310-314). Conjuring lodges, which are made to vibrate violently by the practitioner, are well-known among the Algonkian, but the mechanism is obscure; the author describes a performance among the Chippewa and suggests how it may have been done.

Dominion of Canada: Annual report of the Department of Indian Affairs for the year ended March 31, 1931. Ottawa: 1932. Pp. 66.

for the year ended March 31, 1932. Ottawa: 1932. Pp. 64. These two annual reports contain a large amount of information about government measures for the Indians in respect to schools, hospitals, bridges, and so forth, as well as general remarks on conditions among the Canadian tribes. Then follow statistics on population, wealth, and religion.

ELLIOTT, W. C. *Lake Lillooet tales* (Journal of American folk-lore, XLIV (172), April-June, 1931 (issued, January, 1932), pp. 166-181). This is a collection of twelve folk-tales, chiefly of the "hero" and "trickster" types, recorded in English from the Lillooet of Anderson and Seton Lakes, British Columbia.

FANG-KUEI LI. *A list of Chipewyan stems* (International journal of American linguistics, VII (3-4), January, 1933, pp. 122-151). This is a critical lexical study by a Chinese scholar of Chipewyan roots; it is particularly valuable in view of the presence of tone in the Athabascan languages (including Chipewyan) and in Chinese.

FAUSET, ARTHUR HUFF. *Folklore from Nova Scotia*. (Memoirs of the American Folklore Society, vol. XXIV.) New York: The American Folk-lore Society. 1931. Pp. xxii, 204. This is an extensive, and carefully recorded, collection of Nova Scotian negro stories, sayings, and customs; it illustrates the cosmopolitan nature of negro folk-lore in that province, in contrast to that of the southern United States.

- FRASER, MARY L. *Folklore of Nova Scotia*. [Toronto: Catholic Truth Society. 1931.] Pp. xiii, 115; 8 plates. (\$1.00) This is a popular, non-scientific sketch of the folk-legends and customs of Nova Scotia which are of Celtic, Acadian, and Micmac origin.
- GIFFEN, NAOMI MUSMAKER. *The rôles of men and women in Eskimo culture*. Chicago: The University of Chicago Press. 1930. Pp. xiv, 113. This is a detailed analysis of the functions of Eskimo men and women, in both material and non-material aspects of life. Comparative tables illustrate the relative uniformity of practice, as well as local variations, throughout the whole Eskimo region.
- GOLDSTEIN, MARCUS S. *Caries and attrition in the molar teeth of the Eskimo mandible* (American journal of physical anthropology, XVI (4), April-June, 1932, pp. 421-430).
- *Congenital absence and impaction of the third molar in the Eskimo mandible* (*ibid.*, XVI (3), January-March, 1932, pp. 381-388).
- *The cusps in the mandibular molar teeth of the Eskimo* (*ibid.*, XVI (2), October-December, 1931, pp. 215-235). These three studies on certain aspects of Eskimo dentition are based on the collections in the National Museum at Washington; they are especially valuable on account of the comparative data presented with regard to other racial groups.
- GRIPP, KARL. *Süd-Grönland und seine bewohner* (Zeitschrift der gesellschaft für erdkunde zu Berlin, IX-X, 1931, pp. 346-356). In south Greenland the Eskimo have intermarried extensively with Danes; this mixed population tends to follow the cultural habits and language of the aborigines with only slight European modifications.
- GUTHE, CARL E. (ed.). *Reports—archaeological field work in North America during 1931* (American anthropologist, XXXIV (3), July-September, 1932, pp. 476-509). This is the annual summary report of the Division of Anthropology and Psychology of the National Research Council on archaeological work being undertaken in North America.
- HALLOWELL, A. IRVING. *Kinship terms and cross-cousin marriage of the Montagnais-Naskapi and the Cree* (American anthropologist, XXXIV (2), April-June, 1932, pp. 171-199). Intensive study of linguistic data, both published and in manuscript, indicates that cross-cousin marriage was formerly practised among these three north-eastern Algonkian tribes.
- HANTZSCH, BERNHARD, translated by ANDERSON, M. B. A. *Contributions to the knowledge of extreme north-eastern Labrador* (Canadian field-naturalist, XLVI (3), March, 1932, pp. 56-63; XLVI (4), April, 1932, pp. 84-89; XLVI (5), May, 1932, pp. 112-116; XLVI (6), September, 1932, pp. 143-145; XLVI (7), October, 1932, pp. 153-162). The author of these notes is a German naturalist who, some twenty years ago, spent a considerable time among the Killinek Eskimo of northern Labrador. A keen observer, he has recorded a large number of facts concerning the daily life, food habits, appearance, health, and customs of the natives.
- HEMMEON, ETHEL. *Glooscap* (Canadian forum, XII (137), February, 1932, pp. 180-181). This is a brief summary of the exploits of Glooscap, the benign culture-hero of the Indians of the Maritime Provinces.
- HEWITT, J. N. B. *Field studies among the Iroquois tribes* (Explorations and field-work of the Smithsonian Institution in 1931: Washington, Smithsonian Institution (publication 3134), 1932, pp. 175-178). The author gives a number of examples which show the importance of careful comparative study of Iroquois texts to throw light on the functions of the League, and on the life of influential members of it.

HILL-TOUT, CHARLES. *British Columbian ancestors of the Eskimo?* (Illustrated London news, CLXXX (4839), January 16, 1932, pp. 90-92). Archaeological investigations in British Columbia kitchen-middens prove the existence of a long-headed type of man who antedated the modern round-headed coastal tribes; interesting artifacts and stone figures were found, and also a trephined skull.

A unique native carving (Museum and art notes, VII (1), June, 1932, pp. 3-5). This is a description of a slate box carved by Edensaw, the celebrated Haida carver of eighty years ago; it is clearly one of his finest pieces of work.

HRDLICEA, ALES. *Anthropological work in Alaska* (Explorations and field-work of the Smithsonian Institution in 1931: Washington, Smithsonian Institution (publication 3134), 1932, pp. 91-102). Measurements of the living and studies of skeletal material show that the natives of the Nushagak River are definitely Eskimo; furthermore, it is apparent that there is no clear line of separation between the Aleut and the neighbouring Eskimo.

The coming of man from Asia in the light of recent discoveries (Proceedings of the American Philosophical Society, LXXI (6), 1932, pp. 393-402). Archaeological and somatological investigations in Alaska indicate that considerable specialization and differentiation had already taken place before successive waves of the ancestors of the American Indians had reached Bering Strait; it is probable that the early population followed the coast line southward, instead of penetrating up the Yukon.

Génesis del Indígena Americano (Quetzalcoatl, I (4), January, 1931, pp. 2-7). This is a brief résumé of the problem of Indian origins; the author stresses the development of the race in Asia, but of its culture in America.

HULBERT, WINIFRED. *Indian Americans*. New York: Friendship Press. 1932. Pp. 161; 7 plates. The fundamental problem of the Indian to-day is that of adjustment to modern economic life, both on the reservation, and away from it in direct conflict with white labour. This is a thoughtful study of the present situation in the United States from sociological and religious aspects, with emphasis on educational and post-educational difficulties.

INGSTAD, HELGE MARCUS. *Pelsjegerliv blandt Nord-Kanadas indianere*. Oslo: Gylen-dal. 1931. Pp. 245; map.

JACOBS, MELVILLE. *Notes on the structure of Chinook jargon* (Language, VIII (1), March, 1932, pp. 27-50). The Chinook jargon, formerly so important on the north Pacific coast, is being replaced as a *lingua franca* by English. It is still spoken, however, by the older natives and this carefully annotated text provides material for phonetic and structural analysis.

JENKS, ALBERT ERNEST. *Pleistocene man in Minnesota* (Science, LXXV (1954), June 10, 1932, pp. 607-608). A skeleton has recently been found in Minnesota in an inter-glacial or pre-glacial stratum; the physical characteristics suggest a proto-Eskimo type.

JENNESS, DIAMOND. *The Indians of Canada*. (National Museum of Canada, bulletin 65.) Ottawa: The King's Printer. 1932. Pp. x, 446; 132 illustrations, 1 map. To be reviewed later.

Three Iroquois wampum records (Annual report for 1931, bulletin 70, National Museum of Canada: Ottawa, 1932, pp. 25-29). The National Museum of Canada has been fortunate enough to obtain three ancient Mohawk wampum strings—or rather groupings of strings—which served as records in connection with the League of the Iroquois. The explanation of their significance is given in this article.

JOYNES, AGNES. *Indians of the north Pacific coast* (Canadian geographical journal, IV (3), March, 1932, pp. 167-181). This is a popular description, well illustrated, of the British Columbian coastal Indians.

KÖNIG, H. *Die Eskimos von Labrador* (Erdball, V (12), 1931, pp. 465-469). This is a brief illustrated account.

Kannten die voreskimoischen Tornit beim zusammentreffen mit den Eskimos bereits das kajak? (Tagungsber. d. Deutschen Anthrop. Gesellschaft, Mainz, 1930: Mainzer Zeitschrift, XXVI, 1931, pp. 74-77). This study, based both on archaeology and folk-lore, deals with the Tornit, a proto-Eskimo group who figure in modern Eskimo traditions, and especially with their knowledge of the kayak.

KOPPERS, WILHELM. *Der hund in der mythologie der zirkumpazifischen völker* (Wiener beiträge zur kulturgeschichte und linguistik, I, 1930, pp. 359-399). The wide distribution in North America and North Asia of the dog-husband myth is generally considered to be an instance of cultural diffusion; the author believes that Chinese legends of the divine birth of princes are derived from the same basic tale with the grosser elements eliminated.

Methodologisches zur frage der kulturbeziehungen zwischen der alten und der neuen welt (Mitteilungen der Anthropologischen Gesellschaft in Wien, LXII (6), 1932, pp. 319-327). In this critical appraisal of Nordenskiöld's views on the best methods for studying cultural influences between the Old and the New World, the author upholds the German technique as used by Graebner and Schmidt.

KRICKEBERG, WALTER. *Nordamerikanische masken* (Erdball, VI (2), 1932, pp. 56-59). Although the North-west coast is the region of America in which masks are most prominent, they are used also in the south-eastern United States; old specimens from this area show resemblances to those of the North-west.

LAMPMAN, A. O. *Ben and Sam—Eskimo boys* (Canadian geographical journal, IV (6), June, 1932, pp. 372-380). Two Eskimo boys were brought down from the Arctic to Lakefield School near Peterborough; they adjusted themselves rapidly to cultural life in the south but suffered from one disease after another so that it was necessary to send them back.

LANCOT, GUSTAVE. *Contes populaires canadiens (sixième série): contes du Canada français* (Journal of American folk-lore, XLIV (173), July-September, 1931 (issued, March, 1932), pp. 225-294). This, the sixth extensive collection of French-Canadian folk-tales recorded by the Canadian section of the American Folk-Lore Society, comprises twenty-four stories transcribed from different parts of Quebec and Ontario.

LEECHMAN, DOUGLAS. *Aboriginal paints and dyes in Canada* (Transactions of the Royal Society of Canada, section 2, series 3, XXVI, May, 1932, pp. 37-42). Although the arts of painting and dyeing were widely practised by the Indians of Canada, their development differed in various regions; the best painting was on the west coast, the best dyeing in the east.

LIGHTHALL, W. D. *The false plan of Hochelaga* (Transactions of the Royal Society of Canada, section 2, series 3, XXVI, May, 1932, pp. 181-192). In an Italian translation of Cartier's voyages published in Venice in 1556, there appeared a plan of Hochelaga by Ramusio; the author believes that this diagram is entirely incorrect, and enumerates a number of its errors.

LOWIE, ROBERT H. *Marriage and family life among the Plains Indians* (Scientific monthly, XXXIV (5), May, 1932, pp. 462-464). In this text of a radio address is given, in popular form and yet authoritatively, a summary of the sentiments and practices of the Plains Indians in regard to marriage.

MACLEOD, WILLIAM CHRISTIE. *Child sacrifice in North America, with a note on suttee* (Journal de la Société des Américanistes, XXIII (1), 1931, pp. 127-138). The author believes that child sacrifice, found formerly in Canada only among the Kootenay, is of Mexican origin.

- MARISTE, un frère. *Chez les sauvages*. Montréal: Librairie d'Action Canadienne-Française. 1931. Pp. 172; 12 illustrations. This is a collection, culled from various writers, of folk-tales and beliefs of different Canadian Indian tribes, together with accounts of the piety and virtue of individual Indians who were converted to the Catholic faith. It is written for juveniles.
- MASTA, HENRY LORNE. *Abenaki Indian legends, grammar and place names*. Victoria-ville, P.Q.: La Voix des Bois-Francs. 1932. Pp. 110; 2 illustrations. The author is an Abenaki Indian who, in his old age, has displayed his interest in the language of his people by recording it for the benefit of the white man. The legends are all given in native text, with translations and grammatical notes; these, with the section on grammar, serve to illustrate the linguistic pattern.
- MATHIASSEN, THERKEL. *Archæological collections from the western Eskimos*. (Report of the Fifth Thule Expedition 1921-24, X (1).) Copenhagen: Gyldendalske Boghandel, Nordisk Forlag. 1930. Pp. 102; 18 plates, 19 illustrations, 1 map. While working among the western Eskimo, the members of the Fifth Thule Expedition were unable to spend the time necessary for careful archæological work; Rasmussen, however, obtained a large number of specimens excavated by Eskimo and other unskilled diggers. These collections from Point Atkinson, Barter Island, Point Barrow, Point Hope, and East Cape (Siberia) are carefully described and well illustrated. The evidence indicates that the Thule Eskimo culture arose in Alaska and was carried eastward, becoming weaker in art but taking on a number of practical characteristics, including the greater use of dog traction.
- Material culture of the Iglulik Eskimos. (Report of the Fifth Thule Expedition 1921-24, VI (1).) Copenhagen: Gyldendalske Boghandel, Nordisk Forlag. 1928. Pp. 249; 203 illustrations, 1 map. Reviewed on page 74.
- MAURAUULT, OLIVIER. *Un suplicien indianisant: M. André Cuq* (Mémoires de la Société Royale du Canada, section 1, series 3, XXVI, mai, 1932, pp. 123-137). This is a biography of Cuq, 1821-1888, who worked for many years among both the Algonkians and the Iroquois in eastern Canada; it includes a bibliography of his writings on the Indians.
- Sur les pas des missionnaires explorateurs* (Revue de l'Université d'Ottawa, I, 1931, pp. 316-341). An examination of seventeenth-century literature emphasizes both the bravery of the missionary fathers and their contributions to ethnology and geography.
- MICHELSON, TRUMAN. *Miscellanea Algonquiana* (International journal of American linguistics, VII (1-2), March, 1932, p. 93). This is a brief description of several obscure points in Algonkian linguistics.
- Some Algonquian kinship terms* (American anthropologist, XXXIV (2), April-June, 1932, pp. 357-359). Recent discussions of kinship terminology among Algonkian tribes have tended to overlook phonetic considerations which are brought forward in this article.
- Three Ottawa tales* (Journal of American folk-lore, XLIV (172), April-June, 1931 (issued, January, 1932), pp. 191-195). The English translation is given of three stories written many years ago in the Ottawa language by a member of that tribe; one dealing with Tecumseh's death is especially interesting as illustrating the survival of tradition concerning him.
- MORICE, A. G. *The Carrier language*. (Collection internationale de monographies linguistiques, IX and X.) Vienna: der internationalen zeitschrift "Anthropos". 1932. Pp. xxxv, 660; 691. These two volumes represent the work of a life-time. They comprise, in extraordinary detail, both grammar and dictionary of the Carriers, an important Athabaskan (or Déné) tribe of the interior of British Columbia. Father Morice, who has lived and laboured among them for years, has now given to all students of language a thorough presentation of Carrier linguistic structure. No critical résumé could be presented in a brief notice, nor would it be of value to historians; it must suffice to draw attention to the scope and detail of these volumes, and to point out how greatly Canadians are indebted to an Austrian publication.

- MORIN, VICTOR. *Les traités du gouvernement canadien avec les Indiens du nord-ouest* (Mémoires de la Société Royale du Canada, section 1, series 3, XXVI, mai, 1932, pp. 181-190). This is a summary of eleven treaties between the Canadian government and Indian tribes of western Ontario and the Plains; some of the medals given to the native signators are illustrated.
- NEWCOMBE, W. A. *A large Salish earthwork* (Province of British Columbia: Report of the Provincial Museum of Natural History for the year 1931: Victoria, 1932, pp. 7-8).
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- Accession notes (*ibid.*, pp. 8-9).
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- An unrecorded petroglyph (*ibid.*, p. 8). The petroglyph and the earthwork described and illustrated in these notes are in the southern part of Vancouver Island; the new material obtained by the British Columbia Museum comes from various parts of the province.
- OSGOOD, CORNELIUS B. *The ethnography of the Great Bear Lake Indians* (Annual report for 1931, bulletin 70, National Museum of Canada: Ottawa, 1932, pp. 31-97). Great Bear Lake is in the centre of the enormous area occupied by four Athabaskan tribes, Slaves, Dogribs, Satudene, and Hares. Owing to difficulty of access, these people had not been studied anthropologically prior to the author's visit of fourteen months. The material culture, social organization, and religious beliefs are described, particularly those of the Satudene; the incorporation of extracts from the writings of early travellers and missionaries adds to the value of this article.
- OTTEKEING, BRUNO. *Craniology of the North Pacific coast*. (Memoirs of the American Museum of Natural History, XV (1); Reprint from XI (1) of the Jesup North Pacific Expedition). 1930. Pp. x, 391, +93 page supplement; 11 plates, 107 illustrations. Some thirty-five years ago, the Jesup Expedition of the American Museum of Natural History in New York, led by Professor Franz Boas, conducted extensive and painstaking studies in north-western America and north-eastern Siberia. Most of their results appeared many years ago, and included some of the most important anthropological monographs on the Indians of Canada. This volume describes the 560 crania brought back by members of the expedition; the material was turned over to the author in 1913, so the completed work represents the labour of seventeen years. It is a monumental study, perhaps the most extensive of its kind ever accomplished, filled with tables, diagrams, comparisons, and details of measurements—even the *errata* fill three pages. Owing to the prevalence of cranial deformation, it was first necessary to establish a mechanism for comparing normal and deformed skulls; this task accomplished, the study was carried out under the headings of craniometry and cranioscropy. Historians will be less interested in details of the author's technique than in his conclusions, which prove the Mongoloid affinities of the Indians of British Columbia.
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- Morphologie und menschliches altertum in Amerika* (Anthropos, XXVII (5-6), 1932, pp. 899-903). Although the Americas were undoubtedly populated from Asia by way of Bering Strait, two distinct types can be recognized; the earlier survives as dominant only in marginal areas, though individuals showing primitive characteristics are found sporadically in many parts of the continent.
- PACIFIQUE, Père. *Le pays des Micmacs* (9) (Bulletin de la Société de Géographie de Québec, XVII (1), janvier, 1933, pp. 51-64). The author gives the meaning in English of a number of Nova Scotian place-names derived from the Micmac.
- PALMER, ROSE A. *The North American Indians* (Smithsonian scientific series, IV.) New York. 1929. Pp. 309; 85 plates, 11 text figures. Reviewed on page 82.
- PALMER, VIOLET. *The story of Saialem, the son of the bright day* (Museum and art notes, VII (1), June, 1932, pp. 12-15). This is a British Columbian Indian legend, rendered very freely into English.

- PARKER, ARTHUR C. *Rumbling Wings and other Indian tales*. New York: Doubleday, Doran and Company. 1928. Pp. xii, 279; 9 plates. Iroquois mythology consists of legends which are practically unchanged, and of stories in which a certain license is allowed the narrator, provided that he does not infringe the tribal folk-lore pattern. The author, who is thoroughly familiar with Iroquois traditions, has utilized this license to render a number of tales suitable for juvenile readers.
- POSSE, FRIEDRICH. *Die geistige kultur der Eskimo und ihre erforscher* (Geographischer anzeiger, XXXIII (3), March, 1932, pp. 75-81). Basing his conclusions on Rasmussen's work, the author points out the direct relation between Eskimo environment and Eskimo culture.
- RASMUSSEN, KNUD. *The eagle's gift: Alaska Eskimo tales*. New York: Doubleday, Doran and Company. 1932. Pp. xvi, 235; 4 coloured plates, 17 illustrations. The Eskimo of Colville River, Alaska, believe that a supernatural eagle gave them the boons of song and merriment; this volume of their folk-tales has been prepared for the enjoyment of white readers—a gift from one race to another. Though recorded in popular style, the native sentiment has been so well preserved that the stories illustrate the Eskimo point of view and also describe many of their customs.
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- Iglulik and Caribou Eskimo texts*. (Report of the Fifth Thule Expedition 1921-24, VII (3).) Copenhagen: Gyldendalske Boghandel, Nordisk Forlag. 1930. Pp. 164; 11 sketch-maps. In some respects this work is more comprehensive than the title indicates. The section on the Iglulik includes twenty-three tales with literal translation and a vocabulary giving Greenland equivalents for the terms, all material of first-class linguistic value. But, in addition, there are sections on divisions of the year, personal names, extracts from diaries, illustrations of the special words used by shamans, and a series of reproductions of sketch-maps made by Eskimo with native place-names. This method of presentation shows the language in relationship to the mental life of the people. A similar technique is used for the Caribou Eskimo living west of Hudson Bay.
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- Intellectual culture of the Iglulik Eskimos*. (Report of the Fifth Thule Expedition 1921-24, VII (1).) Copenhagen: Gyldendalske Boghandel, Nordisk Forlag. 1929. Pp. 308; 32 plates, 1 map. Reviewed on page 74.
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- Observations on the intellectual culture of the Caribou Eskimos*. (Report of the Fifth Thule Expedition 1921-24, VII (2).) Copenhagen: Gyldendalske Boghandel, Nordisk Forlag. 1930. Pp. 116. To be reviewed later.
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- RICHTHOFEN, B. von. *Zur frage der archäologischen beziehungen zwischen Nordamerika und Nordasien* (Anthropos, XXVII (1-2), 1932, pp. 123-151). It is generally agreed that the ancestors of the American Indians came from Asia in Neolithic times, but little archaeological evidence of cultural connections between the two continents has been recognized. The author believes that certain types of American pottery, pestles, gouges, and pendants are genetically related to similar types in Siberia; illustrations are given to support his view and the article is extremely well annotated.
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- SEARS, PAUL BIGELOW. *The archaeology of environment in eastern North America* (American anthropologist, XXXIV (4), October-December, 1932, pp. 610-622). Palæo-botanical studies of pollen percentages show post-glacial fluctuations in climate in North America; these may have been responsible for the cultural sequences known to archaeologists.
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- SHAPIRO, H. L. *The French population of Canada* (Natural history, XXXII (4), July-August, 1932, pp. 341-355). Physical measurements of individuals on the Isle d'Orleans have been taken to ascertain what modifications, if any, from the normal French type, have taken place in this new environment.
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- SHETRONE, HENRY CLYDE. *The mound-builders*. New York and London: D. Appleton and Co. 1930. Pp. xx, 508; 299 illustrations. Reviewed on page 75.

- SPIER, LESLIE. *Plains Indian parfleche designs* (University of Washington publications in anthropology, IV (3), December, 1931, pp. 293-322). In 1925 the author published an analysis of the parfleche designs found among the tribes of the Plains and the Plateau areas; reproductions are here given of the patterns previously described.
- STEWART, T. D. *The vertebral column of the Eskimo* (American journal of physical anthropology, XVII (1), July-September, 1932, pp. 123-136). This is a careful anatomical study of Alaskan Eskimo vertebrae, with comparisons to similar data among other races.
- SWADESH, MARY HAAS, and SWADESH, MORRIS. *A visit to the other world, a Nitinat text* (International journal of American linguistics, VII (3-4), January, 1933, pp. 195-208). A portion of a Nitinat (west coast of Vancouver Island) story is recorded in phonetic script with translation and detailed grammatical analysis.
- SWEETSER, ALBERT RADDIN. *Wild plants of Northwest coast* (Oregon historical quarterly, XXXIII (1), March, 1932, pp. 51-59). This is a brief and popular account of the use of plants by the Indians of the North-west coast.
- TANTAQUIDGEON, GLADYS. *Notes on the origin and uses of plants of the Lake St. John Montagnais* (Journal of American folk-lore, XLV (176), April-June, 1932 (issued, January, 1933), pp. 265-267). This is a brief description of medicinal remedies and of a few beliefs connected with the gathering of herbs.
- THOMPSON, STITH (ed.). *Tales of the North American Indians*. Cambridge: Harvard University Press. 1929. Pp. xxiii, 386; 1 map. To be reviewed later.
- THORNTON, HARRISON ROBERTSON. *Among the Eskimos of Wales, Alaska 1890-93*. (Edited and annotated by THORNTON, NEDA S., and THORNTON, WILLIAM M., Jr.) Baltimore: The Johns Hopkins Press. 1931. Pp. xxxviii, 234; 52 illustrations. H. R. Thornton was one of the founders of the mission station at Cape Prince of Wales, Alaska, in 1890; he remained there on duty until his murder by a drunken Eskimo in 1893. This volume, presumably compiled from his diary, consists of observations on the Eskimo, on the natural history of the region, and, generally, on life in western Alaska forty years ago. Unfortunately, Thornton's remarks on native customs are too lacking in detail and understanding to be valuable except, occasionally, as records of practices of which the significance is known from other sources. The editing is poor, with childish footnotes; few modern works on the Eskimo are cited for comparisons, whereas publisher and page references are given to explain "Lilliputian", and a quotation from "Othello", while even the biblical source is provided for a passing allusion to Eve and the fall of man.
- UHLENBECK, C. C. *Der ursprung der amerikanischen bevolkerung* (Mededeelingen, K. Akademie van Wetenschappen. Afdeling letterkunde, deel 72, serie B, no. 2 (Amsterdam), 1931, pp. 53-69). In the seventeenth century the origin of the American aborigines was hotly debated in Holland by Hugo de Groot and Jean de Laet; modern investigations have largely confirmed the latter's contentions.
- VAN DEURSEN, A. *Der heilbringer: eine ethnologische studie über den heilbringer bei den nordamerikanischen Indianern*. Groningen: J. B. Wolters. 1931. Pp. 394. This volume comprises a classification and analysis of the extensive Indian mythology dealing with deliverers, messiahs, and culture heroes.
- WEBBER, ELLEN R. *A Kwantum battle* (Museum and art notes, VI (4), December, 1931, pp. 115-119). This is a popular version of a possibly historical tradition of the Kwantum of the lower Fraser valley.
- Wie das heilige geschenk des festes zu den menschen gekommen ist* (Westermanns monatshefte, LXXVI (905), January, 1932, pp. 433-435). This is an Eskimo legend of the origin of music and feasting.

WISSLER, CLARK. *Indian beadwork*. (American Museum of Natural History, guide leaflet series, no. 50.) New York: American Museum of Natural History. Second edition, 1931. Pp. 31; 25 illustrations. This is an excellent summary of beadwork, studied both as an industry and as an art.

Observations on the face and teeth of the North American Indians (Anthropological papers of the American Museum of Natural History, XXXIII (1), 1931, pp. 1-33). The late Dr. Louis R. Sullivan held that certain descriptive features were as valuable as measurements in determining racial relationships, and had recorded a large number of observations on the face and teeth of Indian children. These data are here presented in tabular form.

WOODWORTH, RACHEL. *Bibliography of North American Indians* (Wilson bulletin, VI (5), January, 1932, pp. 358-360). This is a short bibliography of popular books on Indians suitable for high school students.

ZORN, F. R. *Zwei märchen der Blackfoot-Indianer* (Erdball, fasc. 10, 1928).

